INDEX TO MADRAS LEGISLATIVE ASSEMBLY DEBATES

FOURTH SESSION OF THE FIRST LEGISLATIVE ASSEMBLY

3RD, 4TH, 5TH, 7TH, AND 8TH AUGUST 1939

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ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE ASSEMBLY.

	Name of member.	Name and class of constituency.
1	Abdul Hameed Khan ..	Madras City, Muhammadan, Urban.
2	Abdur Rahiman Ali Rajah, Arakal Sultan.	Chirakkal, Muhammadan, Rural.
3	Abdur Rahman Khan, K. ..	Kurnool, Muhammadan, Rural.
4	Abdul Rawoof, D	Bellary, Muhammadan, Rural.
5	Adikesavulu Naicker, P. M.	Madras City North, General, Urban.
6	Adimoolam, Jamedar ..	Ranipet, General, Rural (Scheduled Castes).
7	Ahmad Thambi Muhammad Mohideen Maracair (*Parliamentary Secretary*).	Tanjore, Muhammadan, Rural.
8	Ahmad Batcha, M. ..	North Arcot, Muhammadan, Rural.
9	Ammanna Raja, Srimathi G.	Ellore Town, Women, General, Urban.
10	Anantachar, B.	Hospet, General, Rural.
11	Anjalai Ammal, Srimathi ..	Cuddalore, Women, General, Rural
12	Annamalai Pillai, N. ..	Tiruvannamalai, General, Rural.
13	Appadurai Pillai, Diwan Bahadur A.	Madras *cum* Chingleput, Indian Christian.
14	Ari Gowder, H. B.	The Nilgiris, General, Rural.
15	Arunachalam Chettiyar, Muthu, Kr. Ar. Kr.	Sivaganga, General, Rural.
16	Attakoya Thangal, Khan Bahadur P. M.	Calicut, Muhammadan, Rural.
17	Balakrishnan, S. C. ..	Palni, General, Rural (Scheduled Castes).
18	Bapineedu, M. (*Parliamentary Secretary*).	Ellore, General, Rural.
19	Basheer Ahmed Sayeed ..	Chingleput *cum* South Arcot, Muhammadan, Rural.
20	Bhaktavatsalam, M. (*Parliamentary Secretary*).	Tiruvallur, General, Rural.
21	Bhaktavatsalu Nayudu, B.	Ranipet, General, Rural.
22	Bhashyam Ayyangar, K. ..	Chingleput, General, Rural.
23	Bhaskara Rao Mahasayo, Sriman Y. V. A.	Palkonda, General, Rural.
24	Bhuvarahan, V.	Tanjore *cum* Kumbakonam Towns, General, Urban.

	Name of member.	Name and class or constituency.
25	Bower, I.S.O., E. H. M. ..	Anglo-Indian.
26	Buchappa Nayudu, P. ..	Ongole, General, Rural.
27	Chandoo, Arangil	Calicut, General, Rural.
28	Chandramouli, K.	Tenali, General, Rural,
29	Chelvapathi Chetti, G. ..	Textile Workers' Trade Union (Madras), Labour.
30	Chengam Pillai, O. ..	Tiruvallur, General, Rural (Scheduled Castes).
31	Chidambara Ayyar, S. ..	Villupuram, General, Rural.
32	Chinnamuthu, P.	Koilpatti, General, Rural (Scheduled Castes).
33	Chokkalingam Pillai, T. S.	Tinnevelly, General, Rural.
34	Damodaram, M. P. ..	Kottayam, General, Rural.
35	D'Mello, E. M.	Anglo-Indian.
36	Doraikannu, M.	Tiruttani, General, Rural (Scheduled Castes).
37	Doraiswami Nadar, A. R. A. S.	Tuticorin, General, Rural.
38	Ghouse Mohideen, S. ..	Cuddapah, Muhammadan Rural.
39	Giri, The Hon. Sri V. V. (*Minister*).	Bobbili, General, Rural.
40	Gopala Reddi, The Hon. Sri B. (*Minister*).	Kavali, General, Rural.
41	Govinda Doss, D.	Bellary, General, Rural (Scheduled Castes).
42	Govindan Nayar, C. K. ..	Kurumbranad, General, Rural.
43	Grant, William	European.
44	Gupta, V. J.	Vizagapatam, General, Rural.
45	Guruvulu, Saheti	Chicacole, General, Rural, (Scheduled Castes).
46	Halasyam Ayyar, N. ..	Trichinopoly, General, Rural.
47	Hodgson, G. H.	European Commerce, the Madras Chamber of Commerce and the Madras Trades Association.
48	Hussain, H. S.	Mangalore, Muhammadan, Rural.
49	Isaac, D. R.	Northern Circars, Indian Christian.
50	Ishwara, K.	Coondapoor, General, Rural (Scheduled Castes).
51	Jebamony Masillamony, Mrs.	Tinnevelly *cum* Palamcottah *cum* Tuticorin Towns, Women, Indian Christian, Urban.
52	Jogi Nayudu, Allu	Vizianagram, General, Rural.
53	Kaderkutti, A. K.	Kottayam, Muhammadan, Rural.
54	Kadirappa, D.	Penukonda, General, Rural (Scheduled Castes).
55	Kaleswara Rao, A. (*Parliamentary Secretary*).	Bezwada *cum* Masulipatam Towns, General, Urban.

	Name of member.	Name and class of constituency.
56	Kamaraja Nadar, K. ..	Sattur, General, Rural.
57	Kannan, E.	Malappuram, General, Rural (Scheduled Castes).
58	Karant, K. R.	Puttur, General, Rural.
59	Karunakara Menon, A. ..	Malappuram, General, Rural.
60	Khadija Yakub Hasan, Mrs.	Madras City, Women, Muhammadan, Urban.
61	Khalif-ul-lah, Khan Bahadur P.	Trichinopoly, Muhammadan, Rural.
62	Kolandavelu Nayanar, K.	Mannargudi, General, Rural (Scheduled Castes).
63	Koti Reddi, K.	Cuddapah, General, Rural.
64	Krishnamachariar, T. T. ..	Southern India Chamber of Commerce.
65	Krishnamurti, G.	Railway Trade Union, Labour.
66	Krishnan, S.	Pollachi, General, Rural (Scheduled Castes).
67	Krishna Rao, G.	Northern Central Landholders.
68	Krishnaswami Bharati, L.	Melur, General, Rural.
69	Kulasekaran, K.	Tindivanam, General, Rural (Scheduled Castes).
70	Kumararaja M. A. Muthiah Chettiyar of Chettinad.	The Nattukottai Nagarathars' Association.
71	Kumaraswami Raja, P. S.	Srivilliputtur, General, Rural.
72	Kunhammad Kutty Hajee, P. I.	Calicut *cum* Cannanore *cum* Tellicherry Towns, Muhammadan, Urban.
73	Kuppuswami Ayyar, K. ..	Dindigul, General, Rural.
74	Kurmayya, V.	Bandar, General, Rural (Scheduled Castes).
75	Kuttimalu Amma, Srimathi A. V.	Tellicherry *cum* Calicut Towns, Women, General, Urban.
76	Laljan, S. M.	Guntur, Muhammadan, Rural.
77	Lakshmanaswami, P. ..	Amalapuram, General, Rural (Scheduled Castes).
78	Lakshmi Ammal, Srimathi V.	Sermadevi, General, Rural.
79	Lakshmi Ammal, Srimathi K.	Dindigul, Women, General, Rural.
80	Lakshmi Devi, Dr. N. ..	Bellary, Women, General, Rural.
81	Langley, W. K. M. ..	Madras Planters.
82	Luker, F. G.	European Commerce, the Madras Chamber of Commerce and the Madras Trades Association.
83	Madhavan, P.	Chirakkal, General, Rural.
84	Mahboob Ali Baig ..	West Godavari *cum* Kistna, Muhammadan, Rural.

Name of member.	Name and class of constituency.
85. Manikkam, R. S.	Sattur, General, Rural (Scheduled Castes).
86 Marimuthu, M.	Tanjore, General, Rural (Scheduled Castes).
87 Marimuthu Pillai, S. T. P.	Musiri, General, Rural.
88 Marutha, R.	Ariyalur, General, Rural (Scheduled Castes).
89 Mir Akram Ali	Vizagapatam *cum* East Godavari, Muhammadan, Rural.
90 Mohideen Kutty, P. K. ..	Palghat, Muhammadan, Rural.
91 Muhammad Abdul Kadir Ravuttar, K. S.	Madura, Muhammadan, Rural.
92 Muhammad Abdur Rahman.	Malappuram, Muhammadan, Rural.
93 Muhammad Abdus Salam, Dr.	Nellore, Muhammadan, Rural.
94 Muhammad Schamnad, Khan Bahadur.	Puttur, Muhammadan, Rural.
95 Muhammad Rahmatullah, K.	Anantapur, Muhammadan, Rural.
96 Muniswami Pillai, The Hon. Sri V. I. (*Minister*).	Tirukkoyilur, General, Rural (Scheduled Castes).
97 Murti, B. S. (*Parliamentary Secretary*).	Cocanada, General, Rural (Scheduled Castes).
98 Muthuramalinga Tevar, U.	Ramnad, General, Rural.
99 Nachiyappa Goundar, K. A.	Omalur, General, Rural.
100 Nadimuthu Pillai, A. Pl. N. V.	Tanjore, General, Rural.
101 Nagappa, S.	Kurnool, General, Rural (Scheduled Castes).
102 Nagaraja Ayyangar, N. ..	Namakkal, General, Rural.
103 Nagayya, S.	Cuddapah, General, Rural (Scheduled Castes).
104 Nanjappa Goundar, K. N.	Gobichettipalaiyam, General, Rural.
105 Narasimha Raju, D. L. ..	Sarvasiddhi, General, Rural.
106 Narasimha Raj, P. L. ..	Vizianagram, General, Rural.
107 Narasimham, C.	Chicacole, General, Rural.
108 Narasimham, V. V. ..	West Godavari *cum* Kistna *cum* Guntur Factory Labour, Labour.
109 Narayana Raju, Dandu ..	Bhimavaram, General, Rural.
110 Narayana Rao, K. V. ..	Bezwada, General, Rural.
111 Natesa Chettiyar, M. G. ..	Dharmapur, General, Rural.
112 Natesa Mudaliar, P. ..	Saidapet, General, Rural.
113 Obi Reddi, C.	Anantapur, General, Rural.
114 Palaniswami Goundar, V. C.	Coimbatore, General, Rural.

Name of member.	Name and class of constituency.
115 Palaniswami Goundar, V. K.	Pollachi, General, Rural.
116 Palat, R. M.	West Coast Landholders.
117 Pallam Raju, M.	Cocanada, General, Rural.
118 Pannir Selvam, Rao Bahadur Sir A. T.	Tanjore *cum* Madura *cum* Ramnad, Indian Christian.
119 Parthasarathi Ayyangar, C. R.	Chittoor, General, Rural.
120 Pedda Padalu, P.	Backward Areas and Tribes.
121 Periaswami Goundar, K. S.	Erode, General, Rural.
122 Periyaswami Goundar, K.	Trichinopoly, General, Rural.
123 Periaswami, M. P. ..	Namakkal, General, Rural (Scheduled Castes).
124 Perumal Chettiyar, V. R.	Salem Town, General, Urban.
125 Perumalla Nayudu, B. ..	Kandukur, General, Rural.
126 Ponnuswami Pillai, R. ..	Chidambaram, General, Rural.
127 Prakasam, The Hon. Sri T. (*Minister*).	Madras City, South-Central, General, Urban.
128 Prasad, D. S. (Sri Raja Vasi Reddi Durga Sadasiveswara Prasad Bahadur, Manne Sultan).	Bezwada, General, Rural.
129 Raghava Menon, R. ..	Palghat, General, Rural.
130 Rajagopalachariar, The Hon. Sri C. (*Prime Minister*).	University.
131 Rajah, Rao Bahadur M. C.	Chingleput, General, Rural (Scheduled Castes).
132 Raja Rao, J.	Guntur *cum* Nellore, Indian Christian.
133 Ramachandra Reddiyar, A. K. A.	Tirumangalam, General, Rural.
134 Ramakrishna Raju, R. B.	Tiruttani, General, Rural.
135 Ramakrishna Reddi, T. N.	Madanapalle, General, Rural.
136 Ramalinga Reddiyar, D.	Cheyyar, General, Rural.
137 Ramalingam, A.	Tiruvannamalai, General, Rural (Scheduled Castes).
138 Ramanathan, The Hon. Sri S. (*Minister*).	Mayavaram, General, Rural.
139 Ramaswami, D. V. ..	Viravilli, General, Rural.
140 Ramaswami Goundar, K. S.	Palladam, General, Rural.
141 Ramaswami Mudaliyar, V. M.	Vellore, General, Rural.
142 Ramaswami Nayudu, N.G.	Textile Workers, Non-Union, Labour
143 Rami Reddi, A.	Guntur, General, Rural.
144 Ranga Reddi, N.	Rajampet, General, Rural.

Name of member.	Name and class of constituency.
145 Rangiah Nayudu, G. ..	Madras City, North-Central, General, Urban.
146 Ratnavelu Tevar, P. ...	Trichinopoly *cum* Srirangam Towns, General, Urban.
147 Reid, D. M.	European Commerce (Madras Chamber of Commerce and the Madras Trades Association).
148 Roche Victoria, J. L. P. ..	Tinnevelly, Indian Christian.
149 Rukmini Lakshmipathi, Mrs. (*Deputy Speaker*).	Madras City, Women, General, Urban.
150 Sahajanandam, Swami A. S.	Chidambaram, General, Rural (Scheduled Castes).
151 Saiyed Ibrahim, D. ..	Ramnad, Muhammadan, Rural.
152 Saktivadivelu Goundar, K.	Periyakulam, General, Rural.
153 Sambamurti, The Hon. Sri B. (*Speaker*).	Cocanada Town, General, Urban.
154 Samu Pillai, V. J. ..	South Arcot *cum* Trichinopoly *cum* Salem *cum* Coimbatore, Indian Christian.
155 Samuel, Dr. M. J. ..	Central Districts, Indian Christian.
156 Sankaran Nambudripad, E. M.	Ponnani, General, Rural.
157 Saptharishi Reddiyar, K. C.	Southern Central Landholders.
158 Sarma, P. R. K.	Madras, City Dock and Factory Labour excluding Textile and Railway Labour, Labour.
159 Sattanatha Karayalar, L.	Koilpatti, General, Rural.
160 Seshadriachariar, B. T. ..	Gudiyattam, General, Rural.
161 Shaik Rowther, S. K. ..	Palghat, Muhammadan, Rural.
162 Shanmugham, K.	Gudur, General, Rural (Scheduled Castes).
163 Shanmuga Mudaliyar, K. A.	Tiruppattur (North Arcot), General, Rural.
164 Shaik Dawood, Khan Sahib K. A.	Salem *cum* Coimbatore *cum* The Nilgiris, Muhammadan, Rural.
165 Shaik Mansoor Tharaganar, V. S. T.	Tinnevelly, Muhammadan, Rural.
166 Shetty, A. B. (*Parliamentary Secretary*).	Coondapoor, General, Rural
167 Sitarama Reddi, H. ..	Bellary, General, Rural.
168 Sitarama Reddiyar, K. ..	Cuddalore, General, Rural.
169 Sivashanmugam Pillai, J.	Madras City, South-Central, General, Urban (Scheduled Castes).
170 Srinivasa Ayyar, D. ..	Gobichettipalaiyam, General, Rural.
171 Srinivasa Ayyar, P. S. ...	Conjeeveram, General, Rural.

No.	Name of member.	Name and class of constituency.
172	Subba Rao, Kallur	Penukonda, General, Rural.
173	Subba Rao, Karunakaram.	Vizagapatam *cum* East Godavari Dock and Factory Labour, Labour.
174	Subba Rao, Marina	Rajahmundry, General, Rural.
175	Subbaraman, N. M. R. ..	Madura Town, General, Urban.
176	Subbarayan, The Hon. Dr. P. (*Minister*).	Tiruchengode, General, Rural.
177	Subbiah, P.	Ongole, General, Rural (Scheduled Castes).
178	Subbiah Mudaliyar, C. P.	Coimbatore Town, General, Urban.
179	Subbaraya Chettiyar, A. M. P.	Negapatam, General, Rural.
180	Subramanian, A. ..	Tirukkoyilur, General, Rural.
181	Swami, K. V. R. ..	Rajahmundry, General, Rural.
182	Syamasundara Rao, P. ..	Tekkali, General, Rural.
183	Town, H. S.	European.
184	Unnikammoo, Khan Sahib V. K.	Mallappuram, Muhammadan, Rural.
185	Valliappa Chettiyar, V. S. R. M.	Tiruppattur (Ramnad), General, Rural.
186	Varadachari, K.	Chandragiri, General, Rural.
187	Varadachariar, N. S. (*Parliamentary Secretary*).	Madras City, South, General, Urban.
188	Varkey, The Hon. C. J. (*Minister*).	West Coast, Indian Christian.
189	Vedaratnam Pillai, A. ..	Mannargudi, General, Rural.
190	Venaudaya Goundar, S. V.	Dharapuram, General, Rural.
191	Venkanna, G.	Ellore, General, Rural (Scheduled Castes).
192	Venkata Reddi, Chandra ..	Kurnool, General, Rural.
193	Venkata Reddi, Gopavaram.	Nandyal, General, Rural.
194	Venkata Reddi, Grandhi ..	Narasapur, General, Rural.
195	Venkatachalam Pillai, B.	Ariyalur, General, Rural.
196	Venkatachari, P. T. ..	Hosur, General, Rural.
197	Venkatanarayana Reddi, B.	Gudur, General, Rural.
198	Venkatappa Chettiyar, S. C.	Salem, General, Rural.
199	Venkatappa Nayudu, R.	Gooty, General, Rural.
200	Venkatappayya Pantulu, K.	Guntur *cum* Tenali Towns, General, Urban.
201	Venkatarama Ayyar, P. ..	Kumbakonam, General, Rural.
202	Venkataramiah, R. S. ..	Palni, General, Rural.
203	Venkatarao Baliga, B. ..	Mangalore, General, Rural.
204	Venkata Rao, Kala ..	Amalapuram, General, Rural.

Name of member.	Name and class of constituency.
205 Venkatasubba Reddiyar, R.	Tindivanam, General, Rural.
206 Venkatasubbayya, V ..	Nellore, General, Rural.
207 Viswanatham, T. (*Parliamentary Secretary*).	Vizagapatam Town, General, Urban.
208 Walker, G. E.	European.
209 Yagneswara Sarma, K. P.	Tinnevelly *cum* Palamcottah Towns, General, Urban.
210 Yakub Hasan, The Hon. Mr. (*Minister*).	Chittoor, Muhammadan, Rural.
211 Zamindar of Bodinayakkanur (T. V. K. Kamaraja Pandiya Nayakar).	Southern Landholders.
212 Zamindar of Challapalli (Zabdatul Aqran Sreemanthu Raja Yarlagadda Siva Rama Prasad Bahadur Zamindar).	Bandar, General, Rural.
213 Zamindar of Chemudu (Vyricherla Narayana Gajapathi Raju, Bahadur).	Northern Landholders I.
214 Zamindar of Mirzapuram (Sri Raja Meka Venkataramaiah Appa Rao Bahadur).	Northern Landholders II.
215 *Vacant.*	

PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

HIS EXCELLENCY LORD ERSKINE, G.C.I.E.

Members of the Council of Ministers.

1 THE HON. SRI C. RAJAGOPALACHARIAR, Prime Minister, in charge of the Public and Finance Departments.

2 THE HON. SRI T. PRAKASAM, Minister in charge of the Revenue Department.

3 THE HON. MR. YAKUB HASAN, Minister in charge of the Public Works Department.

4 THE HON. DR. P. SUBBARAYAN, Minister in charge of the Law Department.

5 THE HON. DR. T. S. S. RAJAN, Minister in charge of the Public Health Department.

6 THE HON. SRI V. I. MUNISWAMI PILLAI, Minister in charge of the Agriculture and Rural Development Department.

7 THE HON. SRI V. V. GIRI, Minister in charge of the Industries and Labour Department.

8 THE HON. SRI S. RAMANATHAN, Minister in charge of Administration Reports and Public Information Department.

9 THE HON. SRI B. GOPALA REDDI, Minister in charge of the Local Administration Department.

10 THE HON. SRI C. J. VARKEY, Minister in charge of the Education Department.

THE MADRAS LEGISLATIVE ASSEMBLY.

PRINCIPAL OFFICERS

Speaker.

THE HON. SRI B. SAMBAMURTI.

Deputy Speaker.

MRS. RUKMINI LAKSHMIPATHI.

Panel of Chairmen.

1 SRI T. N. RAMAKRISHNA REDDI.
2 ,, J. SIVASHANMUGAM PILLAI.
3 MIR AKRAM ALI SAHIB BAHADUR.
4 SRIMATHI V. LAKSHMI AMMAL.

Secretary.

SRI DIWAN BAHADUR R. V. KRISHNA AYYAR, B.A., M.L.

Assistant Secretary.

SRI M. SURYA RAO, B.A., B.L.

THE MADRAS LEGISLATIVE ASSEMBLY.

FOURTH SESSION OF THE FIRST LEGISLATIVE ASSEMBLY UNDER THE GOVERNMENT OF INDIA ACT, 1935.

Thursday, 3rd August, 1939.

The House met in the Legislative Assembly Chamber, Fort St. George, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

I.—CONDOLENCE RESOLUTION *RE* THE DEATH OF SRI K. VENKATA REDDI.

* THE HON. SRI C. RAJAGOPALACHARIAR :—" Mr. Speaker, I have to move a resolution of condolence in these terms :—

'*That an expression of the deep regret of this Assembly at the death of Sri K. Venkata Reddi, and of sympathy with his bereaved family be placed on record and conveyed to them.*'

" Mr. Venkata Reddi was elected, as hon. Members know, from the Guntur *cum* Narasaraopet constituency. He has passed away very young. It is a matter of great sorrow that we have to record almost each time we meet a resolution in such terms. I hope, Sir, the House would accept this resolution in the usual manner."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Sir, I beg to associate myself with the sentiments expressed by the Hon. the Leader of the House. The hon. Member has been removed from our midst quite prematurely. It is our duty to convey our feelings of sympathy to the members of the bereaved family."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" Sir, I wish to associate my party with the sentiments that have been expressed by the Hon. the Premier. I believe that it is very unfortunate that at every sitting of this Assembly we have to pass a condolence resolution on the death of one hon. Member or other. We are human beings and have to accept the decision of God. So far as Mr. Venkata Reddi's demise is concerned, it is

all the more regrettable that he passed away in the prime of youth. He was a silent member, but a very active member in that he was very able in his own sphere. I join in this our melancholy duty to pass this resolution."

MR. W. K. M. LANGLEY:—" Sir, on behalf of the European group I wish to associate myself very fully with this resolution of condolence and with the sentiments which have been expressed in moving and seconding it."

The resolution was passed, the whole House standing.

II.—PANEL OF CHAIRMEN.

MR. SPEAKER:—" I have to announce to the House that under rule 9 of the Madras Assembly Rules, I have nominated the following four members of the Assembly to be a panel of Chairmen for the Fourth Session of the Assembly:—

Sri T. N. Ramakrishna Reddi.

Sri J. Sivashanmugam Pillai.

Mir Akram Ali Sahib Bahadur.

Srimathi V. Lakshmi Ammal."

III.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Non-attendance of the Home Minister of this Province at the recent Conference of Provincial Home Ministers at Simla.

* 1 *Q.*—SRI G. KRISHNA RAO: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the Home Minister of our Province or any officer deputed by this Government attended the recent Conference of Provincial Home Ministers held at Simla; and

(*b*) if not, why not?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (*a*) The answer is in the negative.

" (*b*) The Government regret they are not prepared to discuss the reasons."

SRI G. KRISHNA RAO:—" May I know, Sir, how in a matter of very great public importance the Government can say that they are not willing to have a discussion in the matter? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" The question, Sir, is about the reasons that prompted the Government not to attend through their representative the recent Conference of Provincial Home Ministers at Simla. Suppose, for instance, the reasons are political; it will not be advisable to discuss such reasons and I should not like such reasons to be gone into on the floor of this House."

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ABDUL HAMEED KHAN SAHIB BAHADUR :—" May I know, Sir, whether the decisions arrived at in the Conference are binding on this Government? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" The Conference of Home Ministers at any place is not a statutory body and therefore there can hardly be any binding in its decisions."

Confidential reports about subordinate officers.

* 2 *Q.*—SRI G. KRISHNA RAO: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the Government are aware that in matters of adverse remarks being made with regard to non-gazetted subordinate officers in the report, the reporting officers do not take care to base their remarks on specific facts or a statement of facts, but base their remarks on general impressions;

(*b*) whether it is a fact that such adverse remarks in the half-yearly confidential reports should be definite and based upon specific facts as per G.O. No. 2334, Public (Services), dated 2nd December 1937; and

(*c*) whether this rule is being adhered to be the reporting officers, when passing any adverse remarks on the work of their non-gazetted subordinates?

THE HON. SRI C. RAJAGOPALACHARIAR :—" (*b*) The answer is in the affirmative.

" (*a*) & (*c*) The Government have no reason to think that the instructions are not followed."

SRI G. KRISHNA RAO :—" Are the Government aware, Sir, that there are complaints that the reporting officers are not making specific remarks with regard to non-gazetted servants? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" That is a repetition of the first clause, Sir. But I am sure the hon. Member with his wide experience of men and things knows that men can form judgments without quoting facts and in fact men have to act on such judgments; and it is also easy for the aggrieved persons or incompetent persons to go about spreading such rumours. I therefore suggest that he may kindly accept this statement on behalf of the Government that they really see no reason to think that the instructions are not followed."

SRI S. NAGAPPA :—" May I know, Sir, whether there is a chance for any officer to write adverse remarks about his non-gazetted subordinates simply because they are not in his good looks, though they may be honest and hard-working? "

MR. SPEAKER :—" The question contains arguments. It is therefore disallowed."

Salary cut and reduction of travelling allowances of the officers appointed by the Secretary of State.

* 3 *Q.*—Sri G. KRISHNA RAO: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the Secretary of State was addressed by the Provincial Government to impose a moderate cut on the pay drawn by members of the services covered by his rule-making powers;

(*b*) what has been the result of this suggestion;

(*c*) whether any suggestion was made that a reduction in the scale of travelling allowances of such officers should be made; and

(*d*) if so, what the reply to it is?

The Hon. Sri C. RAJAGOPALACHARIAR:—" (*a*) Yes.

" (*b*) The Secretary of State did not agree to the proposal.

" (*c*) The answer is in the negative.

" (*d*) Does not arise."

Sri G. KRISHNA RAO:—" May I know, Sir, if there has been any suggestion from the Secretary of State that he will consider this proposition next year? "

The Hon. Sri C. RAJAGOPALACHARIAR:—" Is it the question whether we had asked the Secretary of State to consider the matter next year if not this year? "

Sri G. KRISHNA RAO:—" No, I want to know whether the Government have received any statement that he would consider this matter next year? "

The Hon. Sri C. RAJAGOPALACHARIAR:—" No, Sir."

Sri G. KRISHNA RAO:—" Is it a matter that concerns the Cabinet or will it be given out if anything has transpired in the Cabinet with regard to this matter? I would like to know if any such communication has been received by the Government this year that it would be considered next year."

The Hon. Sri C. RAJAGOPALACHARIAR:—" I have already said that there is no such communication that it would be considered next year. I would certainly have given it in answer to clause (*a*) if there had been anything."

Hindu-Muslim riots at Vellore.

* 4 *Q.*—H. S. HUSSAIN SAHIB Bahadur: Will the Hon. the Prime Minister be pleased to state what steps have been taken by the Government in the matter of the recent Hindu-Muslim rioting at Vellore?

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THE HON. SRI C. RAJAGOPALACHARIAR:—" I am sorry I ought to have spoken to the member a little earlier. With your permission I would request the member not to press this question as many cases are still pending."

H. S. HUSSAIN SAHIB BAHADUR :—" I do not press it."

Tax levied and collected for backyard cultivation in Polagudi village, Nannilam taluk.

* 5 *Q*.—SRI P. R. K. SARMA: Will the Hon. the Minister for Revenue be pleased to lay on the table a statement showing—

(*a*) the tax levied for backyard cultivation in No. 18, Polagudi village, Nannilam taluk, Tanjore district;

(*b*) whether the tax is justifiable under the rules; and

(*c*) the tax collected for this fasli?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—" Paragraph 4 of Board's Standing Order No. 21 provides for the levy of a charge for backyard cultivation in certain circumstances.

" The particulars required by the hon. Member in clauses (*a*) and (*c*) have been called for."

Levy and collection of tax and penal cess in the case of lands registered as single crop wet lands utilizing Government water for second crop.

* 6 *Q*.—SRI G. KRISHNA RAO: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) what the general levy is that is collected from ryotwari tenants for utilizing Government water for second crop in a land registered as single crop wet land;

(*b*) how much of such levy was collected in 1348 fasli; and

(*c*) how much of penal cess as levy was collected in cases of this nature for 1348 fasli?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—"(*a*) The charge is ordinarily half the assessment on the land.

" (*b*) & (*c*) The figures for fasli 1348 are not available. The latest figures available are those for fasli 1347 and they are given below:—

(1) Charges for authorized irrigation—Rs. 15,46,895.

(2) Charges for unauthorized irrigation—Rs. 5,36,055."

SRI G. KRISHNA RAO:—" Are the Government aware, Sir, that in a recent decision Mr. Justice Somayya and the Chief Justice have ruled that the levy of water-cess on second crop is *ultra vires* and illegal? Has the attention of the Government been drawn to it?"

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SRI T. VISWANATHAM:—"Yes, Sir, the Government have been considering it."

SRI G. KRISHNA RAO:—"Will the Government tell us if they are going to collect such illegal levy?"

SRI T. VISWANATHAM:—"The Government do not admit the illegality and have not come to any conclusion; at this stage no promise can be made."

Eviction of the unauthorized cultivators from the tank-bed poramboke lands in Velliyur Big tank, Tiruvallur taluk.

* 7 *Q.*—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the tank-bed poramboke lands in the Velliyur Big tank (Tiruvallur taluk, Chingleput district) have been ploughed this year and kept ready for agricultural operations despite the issue of orders by the Board of Revenue under specific instructions of the Government;

(*b*) who were responsible for not executing the said Government orders; and

(*c*) what action the Government propose to take to evict the cultivators from the said tank-bed porambokes?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—"(*a*) The Government are not aware that the facts are as suggested but have called for a report.

"(*b*) Does not arise at this stage.

"(*c*) Action will be taken under the Land Encroachment Act."

SRI D. RAMALINGA REDDIYAR:—"May I ask the Parliamentary Secretary to place the report on the table when it is received?"

SRI T. VISWANATHAM:—"The Government will consider it."

SRI J. SIVASHANMUGAM PILLAI:—"May I know whether the Government are aware of the fact that the people are in possession of these lands for a number of years?"

SRI T. VISWANATHAM:—"But the complaint is that they have been in unauthorized possession."

SRI J. SIVASHANMUGAM PILLAI:—"May I know whether the Government are aware of the fact that the Government have been collecting kist from these people from 1906?"

SRI T. VISWANATHAM:—"It was not kist but collection for unauthorized occupation."

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SRI J. SIVASHANMUGAM PILLAI:—"May I know whether the Government will reconsider their position as they all belong to the depressed classes?"

SRI T. VISWANATHAM:—"Taking all things into consideration, the Government have asked local officials to evict them."

Steps taken to carry out improvements to the Port of Malpe.

* 8 *Q.*—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state what steps have been taken to improve the port of Malpe and what amount of money has been sanctioned for providing the facilities immediately required since the time of personal inspection of that port by the Hon. Minister?

THE HON. MR. YAKUB HASAN:—"An estimate amounting to Rs. 18,500 for hand dredging a channel to wharf No. 4 and constructing masonry retaining walls for the wharf and part of the eastern bank of channel at the port of Malpe was sanctioned in January last, and a *free* grant of Rs. 17,000 from the Minor Ports Fund was made towards its cost."

H. S. HUSSAIN SAHIB BAHADUR:—"May I know when the work will be taken on hand?"

THE HON. MR. YAKUB HASAN:—"Orders have been issued and the work will be taken on hand in due course."

Dietary formula for the use of the South Indian people.

* 9 *Q.*—SRI G. KRISHNA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Government have any proposal to popularize a balanced dietary formula for the use of the South Indian people; and

(*b*) whether the Government have secured any information on this matter from the officer in charge of the Nutrition Research Institute at Coonoor?

THE HON. DR. T. S. S. RAJAN:—"(*a*) & (*b*) The results of the investigation carried out by the Nutrition Research Laboratory at Coonoor on South Indian diet have been published by the Government of India in their Health Bulletin No. 23 which is available to the public. This Government propose to publish translations in Tamil and Telugu of a summary of the essential points in the *Bulletin*. The translations are now under preparation."

Private practice of I.M.S. officers.

* 10 *Q.*—Sri G. KRISHNA RAO: Will the Hon. the Minister for Public Health be pleased to state whether it is a fact that I.M.S. Officers do not come under the operation of the Government Order abolishing or restricting the concession of private practice?

The Hon. Dr. T. S. S. RAJAN:—" The answer is in the affirmative."

Marketing conditions in the Tanjore district.

* 11 *Q.*—Sri P. R. K. SARMA: With reference to starred question No. 890 answered on 16th March 1939, will the Hon. the Minister for Agriculture and Rural Development be pleased to state the decision of the Government on the report of the Provincial Marketing Officer regarding marketing conditions in the Tanjore district?

The Hon. Sri V. I. MUNISWAMI PILLAI:—" The hon. Member is referred to the answer to starred question No. 1101 given on 30th March 1939. The Provincial Marketing Officer's report has since been received and is under the consideration of the Government."

* 12 & * 13 *Q.*—The Hon. Sri V. V. GIRI:—" May I request you, Sir, to allow me to answer questions 12 and 13 to-morrow? They both relate to the repatriation of Indians from Ceylon."

Mr. SPEAKER:—" Yes. Questions 12 and 13 are postponed to to-morrow."

Affiliation of the Government Textile Institute to the Technological Diploma Examination Board.

* 14 *Q.*—Sri G. KRISHNA RAO: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) why the Government Textile Institute is not affiliated to the Technological Diploma Examination Board as other Institutes, such as the School of Technology, the Chengalvaroya Naicker's Technical Institute and the Ramakrishna Industrial School; and

(*b*) what the reasons are for not affiliating the Textile Institute in spite of the repeated demands of the students of that Institute?

The Hon. Sri V. V. GIRI:—" (*a*) & (*b*) Under the Technological Diploma Examination Board scheme schools in this Presidency which provide instruction in textile trades may be affiliated under certain conditions to the Government

Textile Institute, Madras, treating it as the central institution. But as the Director of Industries and Commerce reported that the instruction in textile trades given in the aided industrial schools in the mufassal was not of a sufficiently high standard at present to justify their affiliation to the Textile Institute, the Institute was left outside the scope of the board. The award of diploma carries with it the prescription of higher general educational qualification for the pupils of the Institute and revision of the present scheme of work at the Institute."

SRI G. KRISHNA RAO:—"May I know, Sir, whether the Government have any idea of increasing the efficiency of this Institute to entitle it for affiliation to the Diploma Board?"

THE HON. SRI V. V. GIRI:—"Yes, Sir."

Fixation of the minimum living wage.

*15 *Q.*—SRI G. CHELVAPATHI CHETTI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the Government have any proposals for fixing the minimum living wage;

(*b*) if so, what those proposals are; and

(*c*) if not, when they propose to deal with the question?

THE HON. SRI V. V. GIRI:—"(*a*) *to* (*c*) The Government have no proposals under consideration at present for fixing the minimum living wage. But as a preliminary they have taken steps towards the collection of statistics of wages paid to different classes of workers in factories coming under the Indian Factories Act."

SRI S. NAGAPPA:—"Are the Government aware, Sir, that in many areas in the mufassal the workers are paid wages even lower than the minimum?"

THE HON. SRI V. V. GIRI:—"I take the information from the hon. Member."

SRI G. RANGIAH NAYUDU:—"Have the Government considered it?"

THE HON. SRI V. V. GIRI:—"Not at present, Sir."

SRI S. NAGAPPA:—"May I ask, Sir, whether the Government are going to collect the information from the towns only or from villages also?"

THE HON. SRI V. V. GIRI:—"Just now from the towns only, Sir."

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Introduction of legislation to improve the conditions of service of labourers.

* 16 *Q.*—Sri G. CHELVAPATHI CHETTI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government propose to introduce any legislation in the immediate future for the protection of the workers—in the shape of old age pensions, unemployment benefits, provident funds, etc.; and

(b) if so, what those proposals are?

The Hon. Sri V. V. GIRI:—"(a) The Government have under consideration a proposal to introduce legislation for unemployment insurance.

"(b) A note [a] containing the details of the proposal is placed on the table of the House."

Measures to relieve the distress of the families of the Choolai Mill workers.

* 17 *Q.*—Sri G. CHELVAPATHI CHETTI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government are aware that about 3,000 families of the Choolai Mill workers are now starving due to the closing down of the said Mills; and

(b) what steps the Government propose to take to relieve their distress and to find them employment?

The Hon. Sri V. V. GIRI:—"(a) The Government are aware that due to the Mill strike and the subsequent closure of the Mills the workers in the Mill are out of employment.

"(b) A proposal to establish an employment bureau is under the consideration of the Government."

Sri. G. RANGIAH NAYUDU:—"Is there any hope of re-opening the Choolai Mills and re-employing the labour which is suffering from starvation?"

The Hon. Sri V. V. GIRI:—"I fear there is no hope at present."

Conversion into municipalities of the Aruppukottai and Rajapalayam Panchayat Boards.

* 18 *Q.*—Sri U. MUTHURAMALINGA TEVAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government are aware of the resolution passed by the Ramnad District Board regarding the Aruppukottai and Rajapalayam Panchayat Boards to be formed as municipalities;

[a] Printed as Appendix on page 82 infra.

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(b) whether it is a fact that the proposal has been pending long; if so, what the reason is for the delay;

(c) whether it is a fact that orders have been passed long ago regarding the Rajapalayam Panchayat Board and that a period of one year was given as extension at the request of the same Panchayat Board (Rajapalayam);

(d) whether there is any immediate proposal before the Government to introduce the municipal system in the above-mentioned panchayats;

(e) if the answer is in the affirmative, in what stage the proposal stands at present; and

(f) whether it is not partial in allowing these two big towns (Rajapalayam and Aruppukottai), having a population of more than 30,000, to remain as panchayats when smaller adjacent towns like Virudhunagar, Srivilliputtur and Sivakasi are municipalities?

THE HON. SRI B. GOPALA REDDI:—" (a) The answer is in the affirmative.

" (b) The answer is in the negative."

" (c) Orders were passed in December 1937 dropping, for the time being, the proposal to constitute Rajapalayam into a municipality. No request was made to the Government asking for extension of time for one year.

" (d) The question of constituting Aruppukottai into a municipality is under consideration.

" (e) The proposals regarding Aruppukottai are under examination.

" (f) Does not arise in view of the answers to clauses (c) to (e) above."

Scheme for an intensive drive against illiteracy in this Province.

*19 *Q.*—SRI G. KRISHNA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) whether he is aware of the intensive literacy drive that is carried on by the Governments of Sind and Bombay; and

(b) whether this Government have any such scheme to root out illiteracy?

THE HON. SRI C. J. VARKEY:—" (a) The Government have perused reports in newspapers about the action taken by the Governments of Bombay and Sind to promote adult education.

" (b) The matter is engaging attention."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" In view of the fact that his predecessor was not very much in favour of adult education, may I ask whether the Hon. Minister believes that adult education is necessary? "

THE HON. SRI C. J. VARKEY :—" I believe, Sir, that adult education is necessary."

SRI G. KRISHNA RAO :—" May I ask whether the Education Minister will put himself in touch with the Prime Minister and get a copy of the book he is writing to make general education possible in two months? " (Laughter)

THE HON. SRI C. J. VARKEY :—" Which Prime Minister, Sir? "

SRI G. KRISHNA RAO :—" The Prime Minister of this Province." (Laughter)

THE HON. SRI C. J. VARKEY :—" We are working together, Sir."

SRI G. KRISHNA RAO :—" He is writing a book to get people educated in two months."

MR. SPEAKER :—" It is an observation, but not a question.

SRI G. KRISHNA RAO :—" May I know whether the Hon. Minister is communicating with the Prime Minister who is getting up the publication of a book of the kind I mentioned? "

THE HON. SRI C. J. VARKEY :—" Let him publish the book and then I will see it."

THE HON. SRI C. RAJAGOPALACHARIAR :—" Sir, it should not be taken that I have accepted my hon. Friend Mr. Krishna Rao's statement. I have not anywhere suggested that a man can be educated in two months. He can only be made a little, just a little, literate."

Reorganization of secondary education in this Province.

* 20 *Q.*—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education be pleased to state whether there is any proposal with the Government to appoint a committee to go into the question of reorganization of secondary education in the Province of Madras?

THE HON. SRI C. J. VARKEY :—" The matter is under consideration."

Building grant for elementary schools under panchayats.

* 21 SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education be pleased to state—

(*a*) when the Government propose to disburse the building grant promised by the Government before 14th July 1937 for elementary schools under the panchayats in the Province; and

(*b*) what the total amount promised for under the said build-

THE HON. SRI C. J. VARKEY:—" (*a*) & (*b*) No grants were promised by the Government."

SRI D. RAMALINGA REDDIYAR:—" May I ask the Hon. Minister whether some panchayat boards in the Presidency were promised building grants? "

THE HON. SRI C. J. VARKEY:—" No, Sir. It is due to a misunderstanding that the hon. Member thinks like that. What the Inspector of Local Boards has said is only subject to the availability of funds. No commitment or promise has been made by the Government."

SRI D. RAMALINGA REDDIYAR:—" Will the Government give publicity to these matters in the Indian languages so that the people may understand them aright? "

THE HON. SRI C. J. VARKEY:—" It is rather a difficult thing to publish all Government orders in the Indian languages."

IV.—HOUSE COMMITTEE.

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I beg to move—

'*That under rule* 152 *of the Madras Assembly Rules, the House do proceed to elect six members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by the Speaker.*'

The motion was put and carried.

MR. SPEAKER:—" I have to inform the House that in accordance with the regulations framed by me under rule 152 of the Madras Assembly Rules for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 4 p.m. to-morrow as the time within which nominations of candidates for election to the House Committee should reach the Secretary. If the number of candidates nominated exceeds the number of vacancies, namely, six, there will be an election between 12 noon and 1 p.m. on Saturday, the 5th August 1939."

V.—GOVERNMENT BILL.

THE MADRAS TEMPLE ENTRY INDEMNITY BILL, 1939.

MR. SPEAKER:—" The Hon. the Prime Minister will now introduce the Madras Temple Entry Indemnity Bill, 1939."

SRI T. T. KRISHNAMACHARIAR:—" May I ask . . .?"

MR. SPEAKER:—" The motion given notice of by the hon. Member was not received in time. The Hon. the Prime Minister will introduce the Bill."

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* THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, I beg to introduce a Bill [a] to indemnity officers of Government and certain other persons in respect of acts done or omitted to be done, in respect of entry into and offer of worship in Hindu temples by certain classes of Hindus who by custom or usage are excluded from such entry and worship and move—

' *that the Bill be taken into consideration at once.*'

" In this connexion I wish to state that the Bill was published in the *Fort St. George Gazette* on 11th July 1939 and subsequently certain Government amendments have been notified and the Bill so amended has been republished on the 1st of August. It is that Bill as republished that I wish to introduce with your leave and I request the House to take it into consideration.

" After this motion is disposed of I shall proceed further."

* SRI T. T. KRISHNAMACHARIAR:—" Sir, I should like to know whether, under rule 75, this Bill having been republished in the Gazette on 1st August and substantial changes having been made in it after its first publication on 11th July, this can be taken up without the required notice of six days? "

MR. SPEAKER:—" The Madras Temple Entry Indemnity Bill was originally published in the *Fort St. George Gazette* on 11th July 1939. Notice in respect of it was duly given on the 18th of July. In the interval an Ordinance was issued in terms of the Bill under section 88 of the Government of India Act on 17th July 1939, and it was the subject-matter of attack even in a court of law. The Bill has thus been before the public for a sufficiently long time. On 29th July 1939 notice of certain Government amendments was received in the office in respect of that Bill. Though legal advice which I duly obtained was to the effect that the amendments were within the scope of the Bill, I thought that on account of the important nature of the amendments, the Bill as amended should be republished, and that has also been done. Though this Bill was published only on 1st August 1939, it is only a continuation of the old Bill with the amendments incorporated. There has been more than one occasion in the past when the Chair has dispensed with the six days' notice in respect of Bills introduced after publication. Every scope will be given for the discussion of the Bill and I do not see why its discussion should now be postponed. I therefore waive notice and allow the discussion of the Bill to continue."

* SRI T. T. KRISHNAMACHARIAR:—" I have got another point of order to raise, with your permission. It is an old one; it has come back in a new garb; it is this, viz., that this Bill is *ultra vires* of this Assembly. Item 34 is the only possible item in List II of Schedule VII of the Government of India Act which can cover this matter; but it does not fully cover it because there are no

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[a] **Published in the *Fort St. George Gazette*, dated 1st August 1939.**

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words that can be applied to religious institutions in that particular item. And unless the position is remedied by the action of the Governor-General under section 104 of the Government of India Act, this Legislature is not competent to introduce legislation like this. I may also mention that an argument may be brought forward that paragraph 141 of the Joint Select Committee Report covers this point. I submit it does not. Paragraph 141 of the Joint Select Committee Report deals only with the permission of the Governor that has to be obtained in introducing certain pieces of legislation and it cannot therefore be said to be binding on this Legislature. I therefore crave your indulgence . . ."

MR. SPEAKER:—" Because the question was considered whether such a Bill as this was *ultra vires* . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" A point has been raised along with the point of order that the Governor-General's consent was necessary. If under a certain article of the Joint Select Committee Report the sanction of the Governor-General is necessary for introducing a measure of this sort, I say that his consent has been taken more than once so far as this measure is concerned."

† SRI T. T. KRISHNAMACHARIAR:—" The Hon. Premier has apparently misunderstood me. I said that to make this Bill proper and valid the Governor-General should interfere under section 104 of the Government of India Act, and assign to the subject Religious institution a place under List II of the VII Schedule. Otherwise this House is not competent to consider a piece of legislation such as this. The question that paragraph 141 of the Joint Select Committee Report has application to legislation of this kind, I feel, subject to your ruling, has absolutely no relevancy to the point of order raised nor could it overrule or supply a *lacuna* in the text of the Government of India Act, being anterior to it."

MR. SPEAKER:—" The question whether a Bill is *intra vires* or *ultra vires* has already been dealt with by me in connexion with the Malabar Temple Entry Bill. Paragraphs 18 and 141 of the Report of the Joint Select Committee seem to be conclusive of the intention of Parliament in regard to the jurisdiction of the Provincial Legislature to deal with a matter like this. For the information of hon. Members I shall read the passage in paragraph 141 of the Joint Select Committee Report. This is what it says:—

'We do not think that the consent of the Governor should any longer be required to the introduction of legislation which affects religion or religious rites and usages. We take this view, not because we think that in practice *the necessity for such consent might prejudice attempts to promote valuable* social reforms, which has been suggested as a reason for dispensing with it, but because in our judgment legislation of this kind is above all other such as ought to be introduced on the responsibility of Indian Ministers. We have given our reasons elsewhere for holding that matters of social reform which may touch, directly or indirectly, Indian religious beliefs can

best be undertaken with prospect of success by Indian Ministers themselves; and, that being so, we think it undesirable that their responsibility in this most important field should be shared with a Governor. It has been represented to us that the removal of the safeguard of the Governor's previous sanction may operate to the disadvantage of small minorities such as the Indian Christians who would not be in a position to make effective their objections to legislation which they regarded as prejudicial. But we do not think that the recommendation we have just made is, in fact, open to this criticism. The Governor could always prevent the introduction or secure the withdrawal of any legislative proposal by his Ministers which he regarded as inconsistent with the discharge of his special responsibility for the protection of minorities, and he would, in addition, be free, as indicated in the next paragraph, to refuse his assent to any Bill which had been passed by the Legislature if, in his opinion, it were undesirable on any ground that it should become law. It would also be open to him to intimate to the Legislature by message or otherwise the attitude which he felt bound to take to any proposal under discussion to the extent even of making it clear that he would be unable to accord his assent to the proposal if the Legislature were to pass it. It has further been objected that the mere introduction of legislation affecting religion or religious rites and usages might be dangerous at times of religious or communal disturbance, and might indeed itself produce such disturbance. We observe, however, a proposal in the White Paper whereby the Governor would be empowered, in any case in which he considers that a Bill introduced or proposed for introduction, or any clause thereof, or any amendment to a Bill moved or proposed, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of the Province, to direct that the Bill, clause or amendment shall not be further proceeded with. We understand that this proposal is, in fact, intended to meet precisely such a situation as that just indicated—namely, a situation in which the mere discussion of a question in the Legislature might itself so disturb public opinion as to give rise to disorder. We entirely concur that the Governor should possess such a power, but we think that his Instrument of Instructions should make quite clear the purpose for which it is designed, namely, that it is not primarily intended as a safeguard against the passing into law . . .'

"The subject-matter of the Bill is either civil law or criminal law or administration of justice. But whatever the subject-matter, it is not a Federal subject and it is within the power of the Provincial Legislature to legislate upon. That was my ruling previously and my ruling holds good even now."

* The Hon. Sri C. RAJAGOPALACHARIAR:—"Sir, in introducing this Bill, it is necessary for me . . ."

Sri G. KRISHNA RAO:—"Sir, on a point of information. May I ask what has become of the Malabar Temple Entry Bill?"

Mr. SPEAKER:—"I think it does not arise now." (Laughter.)

* The Hon. Sri C. RAJAGOPALACHARIAR:—"I wish to assure hon. Members that I propose, if at all it is physically possible, to deal fairly exhaustively with all matters and it will not be necessary for hon. Members to intervene in the middle, reminding us as to the several matters on which information has to be given. I have no doubt, at the end of it, if still there are matters to be explained, hon. Members will be at perfect

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liberty to ask questions and I do not at all dislike being interrupted or asked questions. It is only to respect their feelings that I am beginning like this. What I was trying to say is this: I have to follow a slightly unusual course in the case of this Bill, viz., I should have to begin with a relation of facts which ordinarily would not have been necessary in the case of other Bills.

" On or about the 14th June this year, there was a conference in Madura in respect of temple entry convened specially for that purpose. Hon. Members are aware, no doubt, that for some years past, there has been agitation in respect of this, not only in Madura but in all places of this Province, and particularly in Madura there was plenty of propaganda carried on in regard to this matter and the public mind was agitated on this matter. At that conference the question was dealt with in a very practical manner and the attention of all gathered in conference as well as of the people of the city and the district was drawn to this question in a very emphatic manner and sustained interest was maintained; so that, on the 8th July the temple at Madura was opened by the trustee to the Harijans and other excluded classes in that district and worship was permitted and proceeded in this manner for several days. From the 8th to the 27th July some more temples were opened in sequence of the first big temple that was opened at Madura, viz., the famous shrine of Sri Meenakshi Sundareswarar on the 8th July. On the 9th July a Vaishnavite temple which cannot be said to be in the same city was opened; it is a very famous shrine which is intimately associated with the Saivite temple of Sri Meenakshi Sundareswarar temple at Madura. That is the temple of Sri Soundararaja Perumal which is about a few miles from Madura and which is actually in the Melur taluk. Then on the 16th July, the great Brahadeswarar temple at Tanjore was opened after consultation with the trustee. On the 26th July at Courtallam, in the Tinnevelly district, the very famous shrine of Sri Tirukuttalanathaswami, near the Falls, was opened. On the next day, i.e., the 27th July a very important temple and one of the most prominent in the southern part of our country, viz., Sri Kasi Viswanathaswami temple at Tenkasi was opened. All these temples, as the Hindu members of this House are aware and as other hon. Members may also be aware, are situated in very orthodox parts of the Tamil country, where not only the orthodox people, viz., the Brahman communities are concerned, but where many other communities belonging to the non-Brahman classes as they are called, are concerned, who are equally orthodox and sometimes more orthodox. The opening of these half-a-dozen temples is therefore counted upon by people who are interested in this reform as something most remarkable and as something that forms a landmark in the history of our country, so far as Hinduism is concerned.

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" When these temples were opened, it was impossible to remain quiet. It was necessary to take such steps as are necessary to help the progress of this reform and to prevent evil consequences arising. The first question that arose naturally was as to what was the legal position so far as the opening of these temples was concerned. It was by an evil custom that certain classes were excluded from entering the temples. However bad it might be, however old it might be, and however much it might have been opposed to public policy as we now understand it, the courts by their decision created a state of things in law by which these acts of temple entry could amount to either actionable wrongs or even indeed to an offence. It was a very old decision. I think it was Sir T. Muthuswami Ayyar that decided that, if, even with the most *bona fide* intention, a Harijan went into the temple, and was allowed by those in immediate charge of the temple, it would amount, because of the custom and because of the feelings of the other worshippers, to an offence under the Indian Penal Code, viz., the offence of defilement of the temple. That has been the custom which was converted into judge-made law and which converted *bona fide* acts into desecration which was punished under the Indian Penal Code. That was the state of law which we had to face.

" So, Sir, on the 17th July the Government had to take steps to have an ordinance issued in respect of this matter. The
5 House was not sitting. In fact—if you will pardon my saying
n. so—the Speaker was far away from Madras even for any consultation in regard to this matter. The Assembly not being available, we had to probe into the provisions of the Government of India Act. There are two classes of ordinances: section 88 provides for one class under the advice of Ministers and section 89 provides for another class of ordinance. Under section 88, the Ministers could move the Governor to issue an ordinance in order to fill a gap or lacuna while the Legislature was not in session and could not be brought into session immediately. So, steps were taken under those provisions for the issue of an ordinance immediately to indemnify the persons involved and prevent suits which would certainly be launched, and were about to be launched—and some of them were, as a matter of fact, launched in spite of the ordinance. Sir, the question of dates is not very important in this connexion. I may say that a suit was launched before the ordinance was actually issued. That was the situation in which the ordinance had to be issued and that is the explanation which the Government give to this House for the issue of the ordinance on the 17th July in terms of section 88. Several matters were involved. Questions of civil and criminal procedure were involved and the matter was such as would fall in the concurrent field. Therefore under one of the provisos to section 88, the assent of the Governor-General had

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to be taken before the issue of the ordinance. These steps were taken in order that there may be no vexatious suits in the interval; they would not only be vexatious in themselves, but they would amount to a set-back to the entire amount for progress in this matter.

"Then we issued, as you have already observed, a draft Bill and our attention was drawn through public criticism to a few defects, as they were called. It was pointed out that it should be made quite explicit that we proposed to authorize the trustees to act in this manner and that their authority should be accepted; that this should not be left merely implicit by protection being given to acts of that kind. It is only to make that implicit matter explicit that certain Government amendments were notified. Those amendments together with the original Bill form the structure of the Bill that I am now moving.

"Apart from the question of order, the question whether we should, in matters of religion, change the usages and customs of the people in this manner by legislation, may be raised. A point of order has actually been raised and you, Sir, have answered it and I need not go over that field. I only wish to draw the attention of the hon. Member who raised the point to yet another paragraph in the report of the Joint Select Committee. It is an earlier paragraph—paragraph 18—which also deals with this matter. I make that reference because there is much that is stated in that paragraph with which we could agree.

"On the merits of the question, if a reform is right and good, how could it be effected? That is the main question. So far as the party which is now in office is concerned, it has been wedded fundamentally to three main points. These three main points have been very often called the triple constructive programme of the Congress. They are khaddar, Hindu-Muslim unity and removal of untouchability. These three form the original, the twenty-year old original programme of the Congress. There is nothing new in them. These three form the fundamental constructive planks of the Congress. Removal of untouchability is not therefore a new thing. The question therefore, so far as the present Government are concerned, has been once for all decided that it should be done. The only question remaining is whether the time and the manner are correct. We have been trying to do this for the last twenty years. The opposition consists of many kinds. One kind of opposition is that a change in regard to temples, that is to say, throwing open the temples to the excluded classes, is an impossible thing according to the Hindu Shastras. It is a permanent bar, according to that view. It cannot be corrected by any amount of persuasion, it cannot be corrected by any amount of time lapsing, it cannot be corrected by any law, secular or otherwise. There is a permanent word of revelation and these temples cannot be opened to the Harijans and the excluded classes. In this case, there is

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no meaning in waiting for public opinion to grow; there is no meaning in waiting for persuasion or anything of the kind. That is one opposition. With regard to that opposition, there cannot possibly be any answer from us here. That is an impossible opposition to deal with. There are others who say that if public opinion is ripe for such a thing, we ought to do it. Religious practices should follow public opinion. If an overwhelming body of people think that certain things are right, they should be accepted; religious practices should follow that opinion. It is with regard to this opposition that we must really spend our energy and resources in order to overcome it.

"With regard to the sanatanist, the pure unqualified sanatanist opposition—if it may be so called—it is impossible to deal with it. If that is the view taken of Hindu religious practices, there is no escape from it. We all believe that it is opposed to public policy that the custom should remain there and that it should be enforced for all time, enforced not merely by the force of religion and by the voluntary activities of the people who believe in it, but also by the secular law, through the civil and criminal courts. That is a position which is impossible for democracy to accept. It may be perfectly open to a die-hard sanatanist to say that he cannot worship alongside a member of the excluded classes; but it is not open to him to say that the criminal law should be capable of being invoked by him in order to punish such people who infringe his own ideas. It is not open to him to say that he should be able to sue in a munsif's or sub-judge's court for damages and that the courts should be run and that the laws should be made in his favour in order to maintain this custom which is wholly against public policy and public welfare as we understand it. I lay great stress on this that the custom is opposed to public policy. It may be that a custom becomes law by reason of judge-made law or statutory law. Customs may become the law of the land in that way. But if customs are opposed to public policy, they cannot and should not be enforced.

"The question then arises: Is this custom opposed to public policy? I say that public policy is not a static thing. Public policy moves with changing times. What was good or tolerable according to public policy at one time becomes intolerable at another time, becomes wholly wrong and opposed to public policy. To-day, to say that the excluded classes should not be allowed to go into these public temples, is really to wed oneself to a course of conduct which is wholly opposed to progress and welfare, and therefore opposed to public policy. It is on that fundamental and strong basis that this proposal is made. It is not merely with a view to interfere with all things that are in vogue, it is not merely a mischievous inclination to alter things that has prompted us to introduce this measure or other measures of this kind. It is

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because a certain custom is so wholly opposed to public policy that it is very mischievous in its tendency and is producing greater and greater evil and harm every day, that we have to face all the difficulties and introduce a measure of this kind and other measures of this kind. Therefore the temple entry problem is, viewed not merely as a question of law or a point of order but also viewed on its merits, within the competency and the proper jurisdiction of the Legislature which is to look after the welfare of the people as a whole. It is not merely a minor custom of which we may not take notice; it is a very large and major custom, a custom which affects human passions and human feelings of a very large number of people. It is no exaggeration to say that it affects a fifth or a sixth of our population at least. When human beings are affected with regard to their self-respect and the ordinary decencies, the custom cannot simply be left to take care of itself. There will be great potency for mischief if a bad custom of this kind is allowed to have its way. Hence the importance of bringing in measures in order to put an end to such customs with the least possible irritation and with the least possible by-product by way of harm, animosity and the like.

" Sir, some persons have put the matter very graphically. A leading gentleman for whom I have the greatest respect stated: 'Here is a thing which you have done or which you are going to do. Here is a thing which the Congress Government are going to do, which the British Government did not attempt, which even the Muslim Governments preceding the British Government did not dare to touch and which the Justice Party Governments did not do.' He said that such was the thing we were doing, meaning thereby that it was wholly wrong. He pointed out that things which were avoided by all these people were being taken up by us, in order to emphasize the wrong character of this step. Sir, these things have been stated by eminent friends and it is my duty to say what I feel about this important matter on this occasion, as to whether on the merits of the question we ought to interfere with a thing of this kind. That was exactly the thing that was discussed in the passage which you, Sir, have just now read from the Joint Parliamentary Select Committee Report, and in the earlier passage to which I have referred, namely, paragraph 18. It is quite understandable that the British Government may not do it and cannot do it; it is quite understandable that the Muslim Governments could not do it; but it would not be understandable if a popular Government set up in office to-day could not do it. It is only a Government such as the one that is now in office that can tackle, and can be expected to tackle, such a question. They have the authority and the right to do it and therefore they have a duty to do it. That is the justification for the Congress Government taking up a matter which even the British Government durst not do and which even the Muslim

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Governments did not wish to do. This contention is put forward by those who oppose this measure as if it were an attack on the present Government, as if it proved to the hilt the wrong character of the measure we have proposed. On the contrary, it furnishes the real justification for this Government to take up this work. Other Governments could not do it and that is precisely the reason why this Government ought to do it. It is a great and necessary thing for the well-being of the people and for the progress of the country. Otherwise the separation and the irritation will grow from more to more and one day we will have to face a situation which would be far different from the present one, and which would be far more difficult to tackle than the present one.

" When the Malabar Temple Entry Bill was discussed on the floor of the House, this question was discussed and the ever alert Mr. Krishna Rao drew our attention to it and it was greatly emphasized and insisted upon by some members—Mr. M. C. Rajah and others—that the scope of that Bill must be much wider than what was given to it within the frame-work of that Bill and that
.m. it should extend to the whole country. Mr. M. C. Rajah may even state now with justification—at least with a semblance of justification—that the Government are now doing what he said then. He may well say, ' You are right; you have accepted my principle that it ought to be extended to all parts of the country. You are doing that now. I am glad that good sense has prevailed after all. Better late than never.' But let me put things as I like to put them, and as I feel. It is not as if it is a contradiction. The framework of the two measures—it may be pointed out to hon. Members—is different. Where trustees themselves are willing to bring about a change, where trustees feel that they have sensed the situation, that they are confident, that they have no doubt in the matter and therefore have the courage to act, they must be permitted to act and must be protected from any civil or criminal action; they must be indemnified and they must be authorized to proceed with their actions. That is the framework of this Bill. But where trustees are recalcitrant in spite of overwhelming public opinion, or where the trustees do not feel very confident and do not take the initiative in their hands, or where the trustees are very doubtful and would like to know how the people feel, when they feel they have to sense the situation, then the framework of the other Bill comes into use. If the Malabar Temple Entry Bill should be extended to the whole country, the position would be this. If a trustee of a big temple feels that the thing should be done and if he is not quite sure whether a really overwhelming majority would support him, but would like to have the matter examined properly, thoroughly and democratically, he can proceed if the Malabar Temple Entry Bill is extended to the district concerned. A trustee feels that it is true that people want it, but he himself

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is wholly against it; he cannot agree to it; he is puzzled; the fundamentalists and the sanatanists do not want to throw open the temples; the *agamas* are against the change; religion is not a matter of communities; one cannot change religion by revolution; first principles of religion are embodied in sacred books; they cannot be altered; even if 99 per cent of the people are in favour of the change, the trustee may well say, 'I am a trustee here, on behalf of God and religion; I am not a trustee on behalf of democracy. I shall not effect this change, as long as I am here.' In such a case, if the Malabar Temple Entry Bill is extended to the place concerned, it would apply; a referendum can be set in motion. If overwhelming opinion is in favour of the reform, the Malabar Temple Entry Bill, when extended, will come into operation if the trustee is against it. Therefore the scheme of the Malabar Temple Entry Bill is quite consistent with and supplementary to the present measure. The scheme of the Malabar Temple Entry Bill alone will come into operation and this Bill will be of no use in such places where the trustee is unwilling to act, whatever may be the opinion of the people. But if good sense prevails, if the trustee is a man of the world, if he sees things around him, if he senses the atmosphere, if he knows how people feel, then without the acerbities of elections and without animosities being created by groups going on doing propaganda, by having recourse to the polling booth and the ballot box, he can bring about a change in the custom of the temple in a quiet manner under this Bill. Only this decision will be subjected to the criticism of the Executive, to the examination and verification by the Executive, whether he is acting foolishly or with undue haste. These points will be examined by the Government and he will be permitted to do what he thinks can be done safely and what should be done according to the established opinions which the Government hold. They will see that the right thing is done in the right manner. In such circumstances, the present Bill would come into play. Therefore people need not run away with the notion that the Government have either given up the Malabar Temple Entry Bill and have taken up the new scheme or they intend to abandon the former. We do not know which will come into play more effectively. Therefore both the Bills are necessary; each is supplementary to the other.

" As a matter of fact, hon. Members will see even now how psychology has grown. When the Malabar Temple Entry Bill was discussed in this House, when we put forward the idea a few years ago, the fundamentalists throughout the country were very strong against the idea; they would not accept any kind of change with regard to religious practices. They condemned outright the idea that any referendum should be taken with regard to the prevailing notion of the people that the

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temple should not be thrown open to excluded classes. On that basis there was very strong opposition and it was argued from one end of the country to the other that in the matter of religion, there is no room for vote. But what has happened to-day? Things have progressed now. The very same fundamentalists are willing to give support and not laugh at the proposals put forward by their friends and they say that the referendum should rather be the frame-work of this measure and that the present measure should be thrown out in favour of the other measure. That is how things progress in this country. When one kind of measure is introduced, a previous measure becomes exceedingly inoffensive and tolerable and it is accepted. In that way alone can a bad custom be altered. Let me, as a man of the world, say to the House: ' Here is a custom which, in my humble opinion, is bad, thoroughly bad and against the welfare of the country; we have to deal with it. How shall we deal with psychologies that are opposed to it? We have to deal with these in a number of ways; the present measure is one method; the previous one is another. We will have to bring round people by all resources at our command and we have to achieve our end.' Therefore it is not as if the Malabar Temple Entry Bill has been dropped in the Arabian Sea; it is quite alive and it is intended to be operative; and so is the present measure. This measure is intended to deal with one class of trustees who have to be protected. The other measure is intended for another kind of trustees who have to be compelled to take action in accordance with public opinion around them. It is still there; this measure is not a contradiction of, or a deviation from, the original plan; it is to supplement the original plan.

" The main point that has to be borne in mind in this connection is this. We may lose ourselves in intellectual arguments, in legalistic intricacies; but there is one fundamental fact which we ought not to miss. A custom is given the force of law. Legalistic minds are averse to any change in the law; all the presumption is against the change according to them; we must prove the need for the change of law if the law is to be changed. That is the normal attitude of legalistic minds. Custom here has become law and therefore legalistic minds are against any alteration. They say it is wrong to legislate until public opinion changes. You must wait for public opinion to be formed to alter or change a custom and there cannot be a change of custom before you introduce any change in the law. That is a correct attitude up to a certain point. On the other hand, judicial decisions and the law of the land have so developed as to give the rigidity of law to the custom itself. How can a custom change, how can public opinion change, without some exception being tolerated here and there? People could not go, according to the fundamentalists, over the waters. But

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now very orthodox families send their children across the waters, especially when there is a kind of profit at the other end. Orthodox families do not object to it at all now. If we had a rule and if any judge had upheld the rule, then it cannot be changed. If a man is excommunicated for having gone to Singapore, Burma or England, if he can be asked to pay damages of any kind, and if the law can be invoked to enforce such punishment, then we would have to change the law in order to make it possible for people to go to England or Burma. Luckily judicial decisions do not treat a custom of that kind with very much sanctity; therefore people gradually break the custom: people go to foreign countries, they return and dine with members of their community. Finally now, we are in a position to say that this has become a normal thing. But if a custom has become very rigid through judicial decisions, it is impossible for the slightest exception to be tolerated even at the outset. Customs are formed like footpaths in a virgin soil. I am quoting now; I am not mentioning any analogy of mine here. I am quoting from a very valuable English commentary on Roman Law which we used to read in those days when we were in the Law College. A custom is made that people should not walk along a certain footpath. After a few years, suppose you want to rule that that footpath should not be altered and no other footpath can be formed. Then it is impossible to change it. Suppose it becomes necessary to change it in public interest, how shall we do it? The first man who takes another footpath will be punished by local authorities for having infringed the law. We have to protect him. The second man also who does so, will be punished and we have to protect him also somehow. Finally, the local authorities find that the second footpath is better than the first footpath. Then persons will be allowed to go along this footpath also. A custom has been formed and it is made the law that the temple cannot be thrown open even to a pious Harijan, even to the orderly and peaceful Harijan, to worship. If we wait for public opinion to be formed before changing the law, we have to wait, I am afraid, for an impossible thing to happen. Because, public opinion can be carried only up to a certain point. Propaganda or public opinion has to be helped by actual facts also, because the imagination of the people has not reached such a standard as to enable them to reach the actuality by mere arguments.

"Now in Madura, let me say, people have seen the Harijans and the excluded classes going to the temple; people have observed, people have seen, that the world has not come down and that the sky has not tumbled down; people are enabled to see that this reform is possible, that this reform is not a mere vision and that therefore they ought to do it. Therefore it is necessary to indemnify acts done in violation of wrong laws—wrong in the

sense that I have explained. The custom has to be broken, the reform has to be made possible—that is the justification for that part of the measure which deals with the indemnification of the acts done before the measure becomes law. The second part of the Bill is to enable this change to progress along the lines that I have already described, since we must carry out the reform without the acerbities of propaganda, election campaign and polling booth. That is the justification for the measure as it now stands.

-15 p.m. "Sir, I wish to press on the attention of this House things which, however important in the recent history of our country, are apt to be forgotton. It is not merely the enthusiasm for reform that prompts us to bring this measure before the House. It is a sense of duty or a desire to fulfil our solemn promise. On the 24th September 1932, that is seven years ago—Mr. M. C. Rajah will bear me out—there was an event which attracted the attention, if I may say so, of the whole world. We plighted ourselves and our word on that occasion in this respect. We put it down in writing, and I was personally one of those who signed the document. We signed among other things this opening of the temples. We stated then that we would work to open these temples to the excluded classes. This was on the 24th September 1932. No doubt that promise was not one which could be made the subject-matter of a suit for breach of contract; still it was a promise which would enable any party to accuse us in considering the case; it was a promise to do our best; it was a promise to legislate as soon as we could; it was a promise to do all that was possible. To-day, can we say, after all these years, that we may forget that word? We cannot. Therefore, I say it is not merely an enthusiasm for reform, but a sense of wrong, a feeling that we are doing wrong in sleeping over this question when we find that as a matter of fact people have got the courage and have the resource to act by themselves. That is the inspiration which I claim to be behind this Bill, Sir. On the 13th or 14th June—I forget the exact date—it was at Madura that I said: 'Do not blame us. What is the use of mere legislation if you are not really able to do it, if really you cannot convince the people? If by persuasion you can convince the people, you can bring about this improvement, you can tell the priests, the trustees and the local people to get the Harijans and others introduced into the temples and worship openly and publicly there and if you can maintain it without disturbance or disorder, surely it would not be difficult for the legislator to make the necessary law.' I said it on that day; and there was perhaps something serious and earnest in the atmosphere and in the association and that statement, apparently, was so effective as to make people continually work; and they really did what I had asked as a condition precedent. They said, 'Here, we are. We have gone through it; we have worshipped at the temples, and nothing has happened. Now we want the protection of the measure that you promised.' I submit, therefore, Sir, that this is a fulfilment of the solemn promise

which the entire Hindu community gave in September 1932, and it is in fulfilment of that promise that we are now bringing this measure. On the 24th September 1932 the Pact was signed; the next morning there was a solemn meeting at which Pandit Malavyaji and other great leaders of the country solemnly signed a pledge not merely talking of secular advancement and economic uplift of the Harijans but actually including this question of opening temples. And again, a few days hence the pledge was repeated under the chairmanship of Pandit Malavyaji. Therefore, I say, it is only due to the communities that have been excluded in all manner of ways up to now that we should fulfil that pledge. It is not enough if we simply point out to one another our defects.

"Everybody should combine to bring about the passing of this measure which is called for in the best interests of the people as a whole. This is a thing which concerns only the Hindus no doubt in a way; but it is an evil; and when it is an evil which concerns the majority of the people in the country, the evil is bound to affect the other people also; it is likely to have its bad effect on all the communities in the country. A great evil cannot exist for one community alone and it cannot be isolated. But at the same time, we do not want that legislative enactments should be based upon the voting strength of non-Hindus in regard to this matter. It is necessary that we should be as cautious as we possibly can in regard to legislation of this kind. Therefore I think, Sir—and the House, I am sure, will agree—that legislation of this kind should be passed only if the Hindu members of the House are overwhelmingly in favour of it. It should not depend upon the balancing votes of those who do not belong to the community which is directly involved. I do not claim or lay down the proposition that all are not interested in each and everything concerning this country; no one can say that. We are all interested in the activities of the country as a whole, activities of the State as a whole; and we cannot statutorily deny the right if anybody wishes to take part in such matters. But at the same time, there is a principle to be observed and it would be wise to allow that principle. It is true that if the Hindu community ruins itself by pursuing a wrong policy, the other communities will share the same fate and certainly bear the brunt of the evil consequences later on; but at the same time, there is nothing wrong in exercising wisdom and in using caution in this respect. That is a matter which I would like to place before the House even in the first instance, because one great grievance of those who oppose measures of this kind is this: 'Here is Legislature composed of individuals of all kinds, and by the strength of the votes of people of all kinds, of non-Hindus, you are going to pass measures of this kind. It is wrong.' That is the one great point they make out and I want to make it perfectly clear at the outset that the Government are not desirous at all of getting

this measure through with the help of the votes of non-Hindus; and they would certainly not be a party to such a transaction. We want the votes; we want the Bill to be accepted by the House as a whole; but at the same time, it is open, I repeat, to the Mussalman members and the Christian members to say that it is bad, that it should not be passed, etc. But at the same time, the Government desire that it should be passed only if an overwhelming majority of the Hindu members want the Bill to be passed, and not simply with the strength of the additional votes of non-Hindu members sitting in the House.

"If, Sir, I seem to anticipate the objections, I crave pardon. I do want to put the whole matter plainly before the House. It is not as if this is a new matter; it is a very familiar matter, and there is no need to go in a formal manner, step by step. It is right that I should take notice of the very important objections that may be raised, and it is right that those who raise those objections should know how I propose to answer them and should therefore have the opportunity to put forward all that they possibly want to put forward by way of objections. That is why I may seem now to deal with one or two matters which might perhaps be reserved in the ordinary course for the reply. The amendments given notice of indicate the line which may be taken in opposition to this measure or in any attempt to improve this measure. Any proposal that involves election, that is to say, involves vote-taking, is against the principle of this measure; because, as I have already explained, the principle is one of tacit, prompt and tactful sensing of the feeling of the people and agreement on the part of the people without any disturbance or disorder. If vote-taking is to be the basis of the activity, then the principle of the Malabar Temple Entry Bill will come into operation and that will be the process and the trustees' or others' judgment has no basis in it at all. But in this Bill, the essential principle is the trustee's decision and capacity to sense the atmosphere around him and to secure the consent of the people without the fundamentally mischievous process of asking the people to vote one way or the other, and then deciding, so to say, for all time. I feel that this mischief, if avoidable, ought to be avoided. I feel that asking people to say, 'Are you in favour of this or in favour of that?' is wrong. It is often necessary in democracy. I admit; but where it could be avoided, it might be avoided. Even in the matter of electing a few people to particular

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" That is the principle of this Bill, and I anticipate to that extent the proposals that may be made that voting may take the place of merely sensing the position and the trustee making the decision and the Government checking the decision and allowing it to be carried out. There is no party more intimately interested in the preservation of peace and order in the country—I claim without being unduly presumptuous—than the State or the Government, and it is not likely therefore that the Government will too easily allow a hasty or impetuous trustee to open the temple when local opinion is against such a thing. Therefore, if at all, the error will be on the side of care and caution. It is therefore a safe measure; but if voting is to be substituted, it becomes a question of division. After all, at the end of it, what will be the feeling left over about it? Let us exercise our imagination. It is all right to some of us who possess sufficient political imagination; but the imagination in respect of human feelings is a little more difficult. Political imagination is all right, and voting is the best thing there—let us not take votes even there; but if the majority asks for it, let us take votes, and that is the next best thing. But in a matter of religion, at the end of it all, what will be the human feeling about it left over? Those who claim that the temple would be ruined—and that is what they will have to say in their propaganda, and they will say and write it with all the force at their command—would say that the temple would be ruined if such and such a thing is done. After that, how can they go and join in the worship? The thing will become denominational; that will be the kind of feeling. But where there is no other go, we have to go to the democratic procedure.

" I claim that in this matter, it is possible in a large number of important places to get it done in the method that is proposed in the present Bill and what I visualize in my own imagination is this: if a few great and big temples are opened in this way without election or electioneering campaigns, the influence of that great fact will have its effect throughout the rest of the country. As soon as the temple at Madura was opened, the Courtallam and Tenkasi temples were opened; there was no disturbance and everybody has accepted it. That way events have a great value in pushing forward a reform much more than merely taking a vote. Therefore, if we proceed in terms of this measure when it becomes law, and if we get a few important temples opened in the country by persuasion of the trustees, by courage and by sensible and wise action in the manner in which I intend that this Bill should be

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4-30 p.m. " If, however, it is a question of the choice of two evils, if anybody could, for instance, tell the Government, ' When the fundamentalists have agreed to this, we are prepared to deliver the goods; we accept the vote being taken and if you get a majority in your favour, the sanatanists will agree to it and there will be no longer any opposition to it,' if Hinduism stands altered statutorily and sympathetically in that manner, I for one would be perfectly prepared to close the bargain. But there is not one who is in a position to say that; there is no one who can deliver us the goods. It is all right for hon. Members of this House or some other hon. Friends outside who speak with familiarity in regard to the subject and who probably voice to a large extent the opinion of the fundamentalists, it is all right for such people to say, ' This democracy modified will carry you very far, let us follow it.' I am quite certain of that; but not one of them will say that the sanatanists will withdraw all objection and that they will accept it once for all. If there is any one with the influence and the courage that is necessary for making such a statement, I for one am prepared to reconsider my position, but there is fortunately or unfortunately not one in that position. I have no doubt whatsoever that there is no member who can say once for all that the Ahobila Mutt, the Sankaracharivars and Jeeyars, the Vanamamalai Mutt and the orthodox Hindus of India will withdraw all objection, provided you take votes and prove it, and that they would abide by that decision. I have no doubt whatsoever that there is not one man who has that capacity and the position and influence to say that on behalf of the fundamentalists. It is impossible to do that when there is this eternal opposition from the sanatanists. Therefore, it is not wise on the part of friends standing in an intermediate position to say, ' Accept this democratic position and we will try and make others agree.' That is not right. It is therefore not possible to win the fundamentalists over to the side of reform and so this vote-taking cannot possibly be recommended.

" What else can be the justification for this? The only justification would be that if the reform were wrong, if the reform were doubtful, we have to find out if the majority of the people really believe that it is right. So far as we are concerned, as I have already said, there is no doubt whatsoever in our minds that the reform is right and there is no doubt in our minds that the House will presumably say that the reform is not only right but it is long overdue and has to be done; so that, vote-taking does not serve that purpose, but if it can serve the purpose of bringing the fundamentalists to agree to this and if it can be the best solution of the problem, then it is worth while doing it.

" I therefore move that the Bill be taken into consideration."

* SRI T. T. KRISHNAMACHARIAR:—" Mr. Speaker, when an overpowering personality like our Premier handles a subject,

it is very embarrassing for anybody to follow him. Even in this parody of a democracy such as ours is, a strong personality carries more than half the battle with him. But, to-day I heard the Premier—who was probably not at his best—adopting a new technique, which was half-pathetic, half-sinister, and making such amazing statements covering such controversial subjects like politics and constitutional law. He tried to buttress a case which from the purely theoretical point of view cannot be buttressed even by a man of his ability. It is surprising for a person like me who is a novice in politics to learn that after all the Hon. Mr. C. Rajagopalachariar's education left room to be completed and that between December last and to-day the process of political education through which our Premier has been undergoing must have been fairly intense. We heard from him political theories of how votes are wrong things to depend upon. But, Sir, he never came to the kernel of the issue. He told us about the history of this Harijan temple entry movement; he took us back to 1932; he just slurred over what happened in November 1938 but made no reference whatever to what happened on the 17th August 1938 and passed over all that happened in Madura. He postulated an impossible position by asking somebody who is not a representative of the sanatanists that he would accept his amendment if all the sanatanists to a man will agree to a Bill so amended. Sir, before coming to the amendment itself—of course the Government may or may not accept my amendment. . ."

MR. SPEAKER:—"We have not yet come to the amendments."

*SRI T. T. KRISHNAMACHARIAR:—"True, but the matter was referred to by the Hon. the Premier and moreover it is in regard to the amendment that the reference to vote-taking came in. The Premier referred to it and the matter has got to be dealt with entirely on its merits and not in regard to the bargaining power behind it which the Hon. Prime Minister has got at the back of his mind. But, that is by the way.

"So far as I am concerned, I think the Hon. the Premier has sensed it—very clever as he is—that we are but poor babies before him and he may say, 'Here is a man who supported the Malabar Temple Entry Bill.' The net effect of both Bills is that Harijans be admitted into temples, but whatever case he may make out, I will put him in the wrong to begin with. 'Bring the sanatanists, all of them to accept the position created by your amendment. I will then agree to it.' In spite of the fact that I have to face an adversary of that sort, my position is one of uncompromising opposition to every clause in this Bill and I do maintain that the measure, notwithstanding the support that the Hon. the Premier gave to it, is one that contravenes every principle of justice and equity. It may be that mine is a

lone voice; it may be that there are one or two others here to support me; however, it does not matter. But in a House of this sort—as perhaps the result is a foregone conclusion—one has to draw courage not from the support that will be got here inside the House but from the support that will be got from the wider democracy outside; otherwise people cannot have faith in democracy as such.

" Sir, reference was made to a composite legislature. Friends were warned not to interfere with this measure; perhaps there is something else in it which the House does not know. Any way, the warning is a fact and I do not want to go into it in detail. I ventured to ask myself, ' Is it right for a composite legislature to deal with a matter like this? ' But I felt that that was beside the question as things stood.

" We have already taken a plunge. The Malabar Temple Entry Bill has been passed and there the principle has been accepted. If I do not agree to this measure, it is because I feel that it is not merely a Bill with a wider application. This Bill is totally different. It is not like the Malabar Temple Entry Bill at all. This Bill practically seems to incite people to resort to goondaism in a place of religious worship; it allows people to go and capture places of religious worship and they are promised support. I do not know whether in framing this Bill the Government blundered into this position. To say so is to put the most charitable construction on the position. If, on the other hand, it is part of a deliberate plot, I am afraid that if a new chapter to Machiavelli's *Prince* is attempted to be added, here is ample material to draw upon. Let me put it in plainer language—I call it Machiavellian in conception. Sir, there is one inherent defect in the Bill which the Hon. Premier did not touch on; he did not indicate that he recognized the fact that the untouchable classes have no right to get into the temples. I wish the Government had taken a week more about it and considered the question. It is not whether there is no other way of allowing the Harijans to enter temples and all other means—perhaps more legitimate—have been exhausted.

" The Hon. the Premier gave a short history of all that happened. Let me give my own version of it to the House. I will ask the Premier to look back to what he said in August 1938 when my hon. Friend Mr. Rajah, brought forward his Bill, a Bill which was very much better than the Malabar Temple Entry Bill and one which was modest—modest considering the fact that he is the representative of the community that is most affected. He was also one of the parties to that memorable pact to which the Hon. Premier referred to-day. But that Bill was not acceptable to the Premier. He made a heroic speech. The sanantanists were all in admiration. They thought, ' Here is a flash from God to save the sanatana religion.' The Premier's mind was changed. This

man was a signatory to the Poona Fact. We remember the memorable parable he gave on that occasion. He talked of an old woman being taken up the hill, of its being necessary to take a stick with you to help you if you are to reach the top along with the old woman. It still rings in my ears. Mr. Rajah fought with his back to the wall. My sympathies were with him. But the Bill was thrown out. The stick has now become the club, the legislative club, with which he wants now to destroy the institution which he attempted to protect in August 1938.

"Sir, before going to the points seriatim as I have noted down I want to refer to one thing. The Premier said, 'Something happened in Madura; did the heavens come down?' Let me ask him one thing. He must have been a student of history; even though he is reputed to be a very clever student of mathematics, he must have read some Indian history. There was a man called Mahmud of Ghazni who invaded India and demolished many temples. Did the heavens come down? (Abdul Hameed Khan Sahib Bahadur: 'Question.') My hon. Friend representing the City Muslims questions that statement. However I leave it at that.

"Then in November last came the Malabar Temple Entry Bill which was promised on August 17th, 1938. While introducing that Bill he told us the reason why it was necessary, about which I shall refer presently. Then Sir, what has happened all these days? There was, it is said, a growth in the volume of public opinion, and, as I said before, was it because of the political education he received in the meantime that he was able to sense the growth of public opinion? Has he found any visible demonstration that we should go away from the path already laid down and demarcated? In regard to the Malabar Temple Entry Bill even some amongst the sanatanists said that the Premier was moderate and that they were prepared to accept the principle gradually, even if it is extended to the whole of the Presidency; it was all a matter of time. Has anything happened to Malabar? To the question put by Mr. G. Krishna Rao about the number of temples that were thrown open in Malabar, whether the Act was put into operation and whether any referendum was taken, there was no answer; the matter was not touched by him. The Act is there in the statute-book. We all know it and nothing seems to have been done in regard to the Act—I am open to correction if I am wrong. I am unaware of what happened in Malabar; the Bill is a dead letter to all intents and purposes. The policy which he so strongly supported in August and in November 1938 does not furnish any clue to this new development. Had there been any inner call from God since then?

"Let us see what has really happened. Sir, on the 13th July a meeting was held in Madura; the Temple Entry Conference was

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presided over by a very distinguished lady from Northern India. Lot of speeches were made on that occasion; the Hon. Premier himself spoke and I may refer to one passage in his speech with your permission. I think he repeated it here in a different manner. He said to the people assembled in that meeting 'let them assume it was legislation for them also, because there was a complaint that the Malabar Temple Entry Bill was restricted to Malabar alone.' He proceeded to say, 'Work in that direction and make the preliminary arrangements successfully,' and he assured them that they would have the necessary legislation in eight days. He asked them to set about their work with steadfastness and courage, in which case the law will not be a hindrance to them. That statement is pregnant with meaning. Sir, it is possible there was a lot of excitement at that time over that, but people naturally tried to interpret that statement as it suited them. I have been trying to interpret it all these days. Two interpretations are possible. One is that it meant 'Get 4-45 p.m. into the temple; take possession of it; I will give you an indemnity legislation.' Perhaps something like what is now being done, what has happened afterwards. Or it may have meant that, everyone should go about and canvass support so to say from house to house, 'I will probably give you a Bill similar to the Malabar Bill.' But, Sir, the Hon. Premier's followers and adherents, went about saying, after temple entry was effected, on the 8th July, tub thumping at every street corner where there was a meeting, 'Lo! the Hon. Premier has kept his promise; on the 8th we entered, on the 11th a legitimising and indemnifying Bill was published. He gave you legislation within eight days.' Well, even then I felt it not to be the right interpretation of the Premier's words. The Hon. Premier of this Province is the custodian of law and order. A man of the type of Mr. C. Rajagopalachariar, a conservative to the very marrow of his bones, a man with a profound respect for law and order, Sir, dare he ask people to break it? No, it was too much to swallow. He is a man for whom I have the highest regard. I am sorry even to say or speak in a loud tone about him. I cannot be uncharitable enough to expect a man like that, whom I have seen at close quarters for the last 2½ years, to have made a statement on which that interpretation was possible. Sir, on the 30th July a meeting was held at Madura, at Tallakulam, at Manalmedu and at Tilak Ghat and huge crowds had gathered—really big ones, but not one and a half lakhs as some newspaper reported it, because the population of Madura is only a lakh and ninety thousand. After all we are human beings and every one of us here is vain; as the ecclesiastics say vanity of vanities. Who is free from vanity? I admit I am not free from it. The Hon. Premier being a mortal is no exception to it either. When he saw the big admiring crowd applauding him he was tempted to say, 'I promised legislation in eight days, did I not give it?'

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The crowd cried, 'Lo! here is the Messiah, the promised Messiah indeed. We asked for a sign and he has given it.' Sir, I am coming . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Does the hon. Member intend to give this as a narration of facts or is he simply describing an interesting picture which is to be modified with reference to details?"

* SRI T. T. KRISHNAMACHARIAR:—"I depend upon newspapers, I am certainly open to correction. If the Premier did not say anything of the sort, I withdraw what I have said."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is wrong for the hon. Member, Sir, to make a picture like that and to challenge me to deny having said anything of the sort. It is just 'the sort' that makes all the difference. I have said all the things that he has said but in a different context altogether."

* SRI T. T. KRISHNAMACHARIAR:—"Since he admits having said it, no matter in what context, I have to withdraw my withdrawal!"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I crave your protection. It is quite wrong for any hon. Member to take up as part of this debate, I submit, an incident and describe it as he chooses, when I say it is not correct. It is not correct for instance in this case to say that I have said that 'I have given you this law within eight days.' It was not with reference to this that I said it. Something else was asked when I had to tell them about some other matter that I promised. I had to tell them that I was looking into some other matter and that they need not think that I was asking them to put off their demand. It was in that connexion I said we kept up our promise and therefore they must wait. It was not in connexion with this Bill at all."

* SRI T. T. KRISHNAMACHARIAR:—"Well, Sir, if the Hon. Premier says that he did not say anything of the sort, I would agree to drop it. But he did not appear to be sure of himself; any way it seems to be the special misfortune of the members of the Treasury bench to be wrongly reported by newspapers.

"Let me proceed. Sir, yesterday at a meeting in the Congress House, I think, the Hon. the Premier spoke, in a different mood; not in the same mood in which he spoke to-day, not even in the same style as he seems to have spoken in Madura either. Let me be precise. I have not been to the meeting. Well, he attempted to say something which probably meant that what he said at Madura on the 13th of June was not intended as an incitement. But after all, the law courts, if you are going to put before them a case, can only judge by context. My own feeling is that it is definitely an incitement, an incitement to enter into the temple at Madura.

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A man of his position should have been more careful in his language and should not have provided this provocation unless he really felt that it was right.

" Sir, the Hon. the Premier has not explained to us why he has changed his mind. He says the world is not static but dynamic. We know it, but does it move so fast between November 1938 and July 1939 that you should change your mind so quickly in spite of the fact that your political education might have progressed rapidly during the interval? Now, Sir, there is another reason for it. I am sorry to make that allegation particularly because I may have to hurt him a bit. Nevertheless, I say, ' What you have done is for a different purpose altogether—part of a political game—which has nothing to do with temple entry.' Otherwise I cannot explain what has happened. I would try to be charitable. I would try to be reasonable but I cannot explain it otherwise. I think it is part of a political game. Let me leave it at that. Let me not go further. Sir, I think that people do say that the attitude of Radical movements like the movement towards temple entry, does not always result in a speedy recognition and incorporation of social mutations that are of a beneficial nature but in the limitation of these mutations to those that are expedient at the moment for the group in authority. The Hon. the Premier is willing to make use of the temple entry movement only to such purposes as are beneficial to his political group and nothing more. That is my reading of the situation.

" Sir, if we go into the contents of the Bill, the Hon. the Premier himself has divided it up for us into two parts. One is indemnity to all those that are concerned in the temples thrown open in the various places—in Madura and other places which he has enumerated. The second one is in regard to trustees, enabling them to lay open temples to the Harijans for entry and worship. On the part of the Bill which relates to indemnity, Sir, I am afraid one has to take a fairly strong stand. The reason for an Indemnity Bill is based on two assumptions. Firstly the act is illegal—it is conceded now that the act is illegal—and that is why an indemnity was necessary. In the law of the land—right or wrong—the equity of an act is not taken into account. The act is definitely illegal according to the law. If the act is illegal, it must have been done under a *bona fide* mistake, if it is to be indemnified. It should not have been done with a cognizance of all consequences. An act like that can have no indemnity. Even among us, the Hindus, there is no *prayaschittam* for an act if the sin should have been committed with full cognizance of all facts; the law does not give the act an indemnity when it is committed with full cognizance of facts. There is one exception. It must be, in an emergency, to avoid a graver crisis. If supposing 50,000 Harijans rushed into the Madura temple and the temple trustees had to open the temple and let them in, well, that is a

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grave emergency which should have been faced. Both conditions are not fulfilled now, I need not labour on the point that temple entry is illegal, because the Hon. the Premier himself has dealt with it very clearly when he introduced the Malabar Temple Entry Act.

" Sir, then the presumption is this, that the act was a premeditated one. Whoever led the Harijans to the temple—Mr. Vaidyanatha Ayyar in this particular instance—must have thought about it, must have thought seriously before taking them in and the trustees stood by his side. Has he done it voluntarily? Did he get an inner call from God above? I think a trustee getting a salary of three hundred rupees per month hardly depends upon any inner calls from God. He must have had permission from His Exalted Holiness the Minister for Charitable Endowments, possibly through His inferior Holiness the Religious Endowment President who must have sent a *hukum*, ' Well, Mr. Vaidyanatha Ayyar is coming with a party of untouchables. Will you arrange to open the temple? ' It is manifestly not possible under existing conditions to believe that a man will risk his job. Sir, if the Government were not in favour, do you mean to say that the trustee would have taken a position like this—an extremely embarrassing position? No, assuredly not. The Government, or some limb of the Government, must have been cognizant of it; and rumour has it, that on the 8th July there was also Police protection outside. So, the Police must have been told previously. (An hon. Member: ' Wrong.') A member says it is wrong."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" I would ask the hon. Member to take it from me that the Police were not there; there should be no debate on a point of that kind. I would ask him to accept it as a fact that the Police were not there. The story is untrue."

* SRI T. T. KRISHNAMACHARIAR :—" I have not got a Government department under me to give me full information, but that is my information. I am open to correction; I will stand corrected."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" Are we giving evidence against any newspaper reports? Surely we can deal with the debate in a different way."

* SRI T. T. KRISHNAMACHARIAR :—" Sir, it is difficult for me to deal with the subject in any other manner and I told you, that I do not have a Government department at my service. I do not have the support of a huge party which vouchsafes information to me. Let me proceed . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" The statement that the Police were there is not true."

MR. SPEAKER :—" In fact he does not say so, he stands corrected."

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* SRI T. T. KRISHNAMACHARIAR:—" Now, Sir, why was this done? I do say, whether it is true that the Police were there or not true, some department of the Government knew about it; otherwise it is not possible for the trustee to have opened it. Circumstantial evidence is very strong to that effect. I do maintain that point. Sir, may I ask why all this crookedness? Why should this Government prefer the crooked way instead of the straightforward path? Why not say that temples should be thrown open to all? Is it not far better to legitimize an action to start with, rather than legitimize it after the action has been done? Surely somebody must accept the blame for it.

" Sir, there is another thing. I do not want the Hon. Premier to get up again. He claims that the temple entry has been conducted, not surreptitiously but effected perfectly openly. When I say openly, it must have been publicly. And it is also said that the public of Madura back this move. My information is different—my information is totally different; my information is that the public were not aware of it. It may be that a section of the public did know about it; there are a section of Congressmen, who like it. There are a section of sanatanists who condemn it. There are a large section who do not belong to either group, who do not like it, or the way in which it is done. Well, not being in the possession of full information, let me at least go to Madura and see things for myself. That was what prompted me to go to Madura."

MR. SPEAKER:—" So that the information may be corrected, if it is wrong, by the Premier on the floor of the House."

* SRI T. T. KRISHNAMACHARIAR:—" I am not being corrected by the Hon. Premier at present. My visit to that place synchronized with the Hon. Premier's visit. The Congressmen were very busy, the sanatanists were also busy holding counter-demonstrations. It made me go out and see things for myself. I went to the temple. I sat there for 45 minutes in the morning and another hour in the evening. I am not a partisan in this matter nor am I opposed to temple entry, but I am only pointing out the implications of the type of temple entry that is sought to be effected by the Government. Nor am I a sanatanist—let me disclaim all connexions with sanatanists; whether hon. Members opposite believe it or not, I am indifferent.

" I wanted just to find out how things were. It was stated that certain newspapers give wrong information and that others favour the position taken up by the Government. After all, we have eyes to see and ears to hear and three hundred miles is not a long distance. I personally went there. But after visiting that place, I cannot agree that people are so much in favour of it, though people who get inner calls may have a different reading of the situation. I remained there in the temple from 9-45 to

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10-45 in the morning and I found very few people, except for a sprinkling of tourists and a few Nadars who came in because of this temple entry. The temple was closed at about 10-40 and I had to go out. In the evening at about 5-45 I went again to the temple and found the trustee, a fierce-looking personality with upturned moustache, accompanied by a few people going round the *prakarams*. It is not the first time that I go to the temple; whenever I go to Madura on business, which I do often, I go to the temple. Ordinarily between 5-45 and 6-45 in the evenings there used to be a thick crowd there; but when I went in on the 30th July, the place was practically deserted, not even a Brahman widow was to be found. I found that there was no particular enthusiasm as is now sought to be made out now by temple entry propagandists. The position could only be like the one visualized by my friend, Mr. T. R. Venkatarama Sastriar, in a communication to the local newspapers, who perhaps is placed in a similar position to mine, namely, that if you bring in Harijans into the temples by means of temple entry legislation of this type, the Harijans or whoever that might have been enabled to go there, will only go for purposes of worship for a time and when their enthusiasam, if there be any, or novelty wears off, they will stop and the usual temple-goers would not go either. That will be the net result of this Bill. I am justified in making this observation from the experience of the position in Travancore where the position is much the same. Having seen these things personally, I feel that it is rather an exaggeration to say that public opinion had been roused to such an extent that it found an expression in a number of people, Harijans and others, flocking to the temple for purposes of worship. On the contrary, I found a few Harijans offering a lighted camphor and broken coconuts to the Goddess in what is called the Sani Moolai and they did not want to go in. That is what I saw at Madura.

"Let me come to the indemnity portion of the Bill. Indemnity is a thing which has to satisfy certain tests. It does not matter whether it was issued under section 88 (1) or 89 (1) of the Government of India Act and the mere fact that it was passed by a popular Ministry does not give it any sanctity though it may be claimed by the Ministry. It might be an article of faith among some political theorists that popular Ministries can displace the ballot box, and every act of theirs carries a sanctity with it, that the ballot box is a waste and the people in power are the best judges, and in fact, better judges than those who expressed their opinion through the ballot box and that the ballot box is not the proper thing to ascertain public opinion. I submit that an indemnity will not be necessary and that there would be no need to go through the painful process of passing the measure through the Legislature, answering points of orders, allowing people like me, who could not be controlled, to speak and be wasting time,

if we could do away with this democratic system of Government. Just as we are, we are functioning under a system of parliamentary democracy and we are clinging to it and we do hug certain conventions which go with it; and in parliamentary democracy indemnity is not justified unless some conditions like those I have mentioned obtain. *Ex post facto* legislation—the hon. the Advocate-General who is present in the House knows more about it than I, a mere layman—has been forbidden in the great democracy of America and in other countries of Europe and it is only permitted in case of war or other emergency. But in India the position is different; we, having been under foreign domination, have been accustomed to it, to these lawless laws as they have been characterized in the past by the Congress and yet they are the very people that have not hesitated to make use of it now. Jocularly, I suggested to a friend on the 11th, talking about this Bill and seeing how badly it was drafted, that the Government might as well have issued an ordinance; and what was my surprise when I found that it had come true! I presume it was already on the anvil and it only took some time to take shape. That is a thing which a parliamentary democracy will not permit. Law is an instrument of justice; it does not matter whether it is good or bad; once it is passed, it is an instrument of justice and the courts of the land have got to carry it out. But here you are bringing forward a law to condone an unlawful act and you want the Legislature to say that that is all right and confirm that action.

" Another thing I forgot to tell you about and that was with regard to what I saw at the Madura temple when I went into it. I saw there a number of people going about with Police whistles and I wondered whether they were policemen in mufti. Some incident occurred and immediately the whistles were blown and some fifty persons gathered and sent out the people who were giving trouble, of course in a peaceful way as befits those that practise the philosophy of *Ahimsa* and *Satyagraha*, non-violence and truth, as these were the soldiers of non-violence and truth.

" Let me now come to the question of the power given to the trustees. I would like the Hon. the Premier to enlighten me in the course of his reply as to whether these include trustees of foundations independent of the control of the Hindu Religious Endowments Board or the foundation trustees who are appointed executive trustees or managers and who are mostly creatures of the Hindu Religious Endowments Board under the control of the Hon. the Minister for Public Health—I will not give him the exalted title I gave him before. As to the trustees of foundations, you cannot give new powers to them at variance with the terms of the foundation, neither could these terms be varied at the sweet will and pleasure of the trustees themselves. The Hon. the Premier, a distinguished lawyer in his time, knows that if it has got to be

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varied, it has got to be done by the courts of the land and even they can vary it only if they are satisfied that it would be impossible otherwise to fulfil the terms of the foundation; and even then, they vary it in such a manner that it approaches as nearly as possible to the original terms of the foundation in accordance with the principle of what the lawyers call *Cypres doctrine.* Are you going to give power to them to vary the terms irrespective of the rights of the beneficiaries and irrespective of the courts of the land? Are you not making a deliberate breach into the principles of jurisprudence?

"With regard to the other type of trustees appointed by the Hindu Religious Endowments Board, they are covered by section 65 (*a*) to (*c*) of that Act. These, by the very nature of the position they hold, will very easily respond to those gentle modes and arts which a party in power all over the world instinctively knows how to apply to introduce into the temples a few of those persons of the untouchable communities for the purpose of what appears to be a political game; and once this surreptitious entry is obtained, my friend the Hon. the Premier's Government—believe me he is the most leading amongst the chosen apostles of that Prince of Non-violence—will use all its irresistible force and might to crush opposition, refuse normal remedies, perpetuate a matchless act of social and political injustice, under cover of democracy. I pity these hireling trustees. They are only to be made scape goats to shoulder the responsibility. Wherever this type of entry is successful, the Congress Ministries' Goebbelles will take for their Government all the credit when they go about the country haranguing; and the failures will be fastened on them, with the inevitable result arising from it with regard to the trustees of foundations. There is the position that no trustee who defies the Government could continue in office and the powers of notification under section 65 of the Religious Endowments Act would be put into operation; he cannot continue in office unless he is prepared to do the behests of the Government.

" The Hon. the Premier contradicted himself when he said that if the system of ascertaining public opinion by the trustee failed, they might revert to the other device of local option but no provision has been made in this Bill on the lines of the Malabar Temple Entry Act. Further what is the yard-stick by which public opinion has to be measured by the trustee? Is the matter to be referred to the District Congress Committee or is it to be left to the Minister in charge of Religious Endowments to say. ' I know the feelings of the people of the locality and they want it;' or are they going to invent some inner call for him also to sense that the people of the locality want temple entry? What is the mechanism by which the strength of public opinion is to be measured? It would be another thing if you take up the administrative responsibility for the same and say that the Revenue Divisional Officers

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or the Tahsildars shall camp from place to place and ascertain public opinion and then write to the Government that people are ready for temple entry. I can undeistand it. But you do not want to take it up. You say that you trust the man on the spot to gauge public opinion and by that means you think you would be achieving your purpose. If the trustee fails to do what he is asked, he could be compelled; and if he is adamant, he could be finished with. I tell you, Sir, this method of deciding whether to allow people to enter into temples or not is the most unheard of thing and will turn out to be a means for the arbitrary exercise of the weapon in the hands of the party in power. As I told you, Sir, it looks like a political game. I hasten to assure you, Mr. Speaker, that so far as I am concerned, it is not as if the world will be swept off or the heavens will come down or all the members of my family will perish if the Harijans are allowed to enter the temples; not merely can they enter the temple, they can even perform the puja themselves in the *garbhagraha*. I come from an orthodox family and I have been taught how to perform my pujas at home and it does not affect me in the least. Even in spite of temple entry, nothing will happen and things will go the way they went before. But is that the criterion to decide whether the act is right or wrong?

"I feel that this is an unjust and arbitrary act in that the Government propose to arrogate to themselves the power of saying, 'I am the man to say whether there should be any vote; I am the man to say what will be instrument by which I shall decide that the people in the locality favour it or not.' The inner call, however intelligent the person concerned may be, has its limitations. You want to take up decisions in a matter which affects an institution which is centuries old. You are saying, 'I am going to give the trustee the power to say who shall be permitted and who shall not be permitted to enter the temple on the basis of public opinion as ascertained by him; I do not believe in taking the votes of the people; I can trust my hireling trustee to do it for me; if not, I will send him out.' Is this law? Is this order? Is this justice? Has there been any other person who promulgated a theory like that? Is he the proper person to control the destinies of the Province? Assuredly not, Sir. I emphatically say, 'No.'

"Now, let me come to my last point. I have told the House how things are in Madura; people are not quiet there; trouble is already afoot there. The Hon. the Premier knows well the mind of the people there; he was there in 1919 when he went there to defend a political prisoner. This 'vegetable non-violence' as Mr. H. G. Wells put it, is not a thing that people in Madura-Ramnad districts are likely to follow. There are plenty of people who will not accept that theory. I say to the Hon. Premier, I foresee trouble and violence. I foresee bloodshed. If there is bloodshed, the blood will be on your head; the responsibility for unrest in

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Madura and other places will be yours. You may accept the amendments or may not accept them. I do not care. You can cast them away; we know you have got a majority behind you. But you are taking a responsibility far beyond your capacity. You are trying to chew far more than you can swallow. I emphatically oppose the Bill."

* SRI G. KRISHNA RAO:—" Sir, I ws not for intervening in this debate to-day, because I thought this temple-entry Bill or rather this fulfilment of the Congress party's pledge to the people had in a way been decently and boldly settled last time by the Malabar Temple Entry Bill. We thought a quietus had been given to the whole problem by a sort of clever and well-ordered arrangement. It is true that even at that time I opposed that Bill. It is true, as the Hon. the Premier says, that people say that a particular thing is bad when it is brought forward for the first time, and that when some time later some other thing is brought forward, those very people say that the previous thing is good and that this later thing is bad. Because it is human nature we are dealing with, and because we are dealing with large and rapid changes, we have to decide which change is better and which change is not. So I do not think there is any harm in saying that one thing is good and the previous thing is bad. It is in that sense the Hon. Premier should understand the attitude of the people with regard to the Malabar Temple Entry Bill and this Bill. I do not see any inconsistency in this.

"I would like to enlighten him on another point. Everyday we have to accept changes in the existing order of things. We have to put up with changes in the physical world, in the economic world and in the social world. We see that times are changing; and there is no denying the fact. Now the Congress party in bringing this Bill is changing the order of things in the social world. They say it is a change for the good of the society; let us assume it to be so, even though we may not accept it. But I say, do not try to kick orthodoxy out of existence from behind, when it is already making its exit. I repeat it is already going on its path of exit; but why do you want to kick it out of existence when it is already making a quiet exit? Our fathers were not so orthodox as our ancestors; and we are not so orthodox as our fathers. In our father's time one could not find even half-a-dozen girls above eight years unmarried; but unmarried girls aged eighteen, nineteen and twenty years are quite common to-day. I think there is no point in saying that people come and talk about changes in one way at one time and that at another time they come and talk in a different way, and so they have no discretion. They have a sense of discretion and they have a sense of historical perspective.

" If we say this temple entry Bill is bad, we say so, because it is not based on some fundamental principles which a democratic

Government should respect. This Bill has not a shadow of that respect that a democratic Government should have for such matters. It is after all a question of social reform. You are interlopers; I say as administrators in matters of social reform, you use the official instrument to try to bring about any change in the social or religious world. By all means you may use your other gifts; you may have a magnetic personality; you may have a lot of control over the masses of people; but I believe it is not right on the part of leaders of society, when they become administrators, to throw up responsibility, throw open the armoury of office and use all the weapons in the official armoury to bring about a reform like this. I am referring to the ordinance. The ordinance should not be used by a democratic Government. I do not think it is a matter for the Congress Government to be proud of. It is not a matter for glory to say that they have been able to bring round His Excellency the Governor to issue this ordinance. I do not think it is correct for the Government to say that they have the strength of the people behind this ordinance. Why? Because you are in power to-day, you have been able to issue this ordinance. Suppose you were not in power; what would you have done then? You would have gone on using your powers of persuasion; you would have gone on lecturing to the people about temple-entry; you would have gone to the orthodox people and told them not to be foolish. And so, instead of doing that now, since you have official power, you utilized that to bring about your desired end. It is an extraordinary sphere in which you have brought this Indemnity Bill, all the more extraordinary because indemnifying is a nauseating business, for, when a crime is committed there is no reason why the Government should come forward and protect those who committed the crime. Those who have consciously committed the crime are responsible for it. I do feel there is a flaw in the interpretation of the law in this matter; and as I am a layman, I leave the interpretation of the law to legal experts. I will content myself by saying it is not right to issue an ordinance and say it is the people's ordinance and thus indemnify the wrong-doer.

"The Hon. Premier himself said that His Excellency the Governor might not have given his assent to the ordinance if he were not satisfied with the necessity for the same, pledged as he is to religious neutrality. That is the first thought that would strike any one. But he has got another duty; and that is, it is his duty to protect the minority communities of the Province. Perhaps if you go and enquire about the circumstances under which the ordinance was issued, I think you would see that the whole thing has been made under compulsion. He might have been told that the exigencies of the situation required it. Conditions of things, all the world over, seem unstable. War clouds are threatening to burst any moment. Suppose the political situation

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and the Indian conditions are not as they are at present; do you think His Excellency the Governor would have agreed to issue the ordinance? He would have thought twice or thrice, even several times, before giving his consent. It is also possible, he might have said to himself: 'The Indians are governing themselves; let them settle this question among themselves; it is not my province to teach them wisdom.' He might have thought so. At any rate, I do not think it is a great achievement for the Congress Party. I think, if I were a Congressman, I would not have prided myself over this ordinance. On the other hand, I would have tackled the problem boldly and gone about doing propaganda, telling the people, 'I am your man; I have faith in democracy; do this as it is in your own interests, etc.,' instead of bringing this ordinance. If the Government had adopted that course and brought about this change, it would have been a creditable achievement for them. Instead of that, over-night they issue an ordinance and next morning they proclaim to the world, 'In one night we have thrown open a dozen temples.' It is not a matter for credit, as it is like producing hot cakes from an oven or manufacturing finished products in a mill. For, as I said, you say, 'In one night we have done away with untouchability.' The only way in which you should do this is by bending your will to the will of the people, bringing them round to your view and thus effecting the reform, and not by means of an ordinance with a schedule of temples attached to it.

"I have to refer to one other matter. As I have said before, the Hon. Premier has agreed that there is such a thing as a mandate of the people for bringing about this reform. He said the mandate is implied in the Malabar Temple Entry Bill. For the benefit of the House, I will read his very words:—

'I have even a more convincing answer so far as my hon. Friend Mr. Krishna Rao is concerned. The answer that I have given is quite enough for the ordinary parliamentarian, but the answer that I propose to give is specially for the benefit of my friends like Mr. Krishna Rao, who feel that this Bill is wrong in principle. It is this: that the mandate he wants us to get, is embodied in the Bill itself. I cannot do anything even if this Bill is passed into law, unless I receive a mandate from the people to give effect to it; so that, I have got the principle of the mandate in the Bill itself.'

"Well, Sir, that Bill was passed, and now in the present Bill the mandate of the people has been sought to be thrown to the winds. In the present Bill there is no shadow of the mandate of the people; it is left entirely to the discretion of one person. May I know why there is this kind of somersault in matters of principle? What a fall is that from the heights of democracy to the depths of totalitarian despotism! I am sorry I am using strong words; because, we are only a few and we should express it as strongly as possible. (Laughter) The doses will be strong because they are small.

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"Then, Sir, with regard to the Malabar Temple Entry Bill. Every time we come here we see here the feats of a clever and skilful acrobat in such matters. We all thought that the Malabar Temple Entry Bill has been set aside practically by this Bill. But the Hon. Premier says, 'It is there. Do not think it is gone; it is still there staring you in the face; the present Bill is only a supplement to it.' I cannot understand how this is a supplement to the previous Bill. I cannot understand what kind of congenital resemblance or family resemblance there is between this Bill and the previous one. A Bill that is entirely opposed to the previous Bill cannot be a supplement to it. I cannot understand how a Bill by which a trustee, who is a creature of the Government, might throw open the temples, can be a supplement to a previous Bill according to which a temple can be thrown open only after a referendum is taken. In the present Bill the referendum principle has completely gone. The trustee need not take it into consideration at all. What is there in the present Bill to make him understand that a referendum should be taken before throwing open a temple? He may do any way he likes. It seems these people are gifted with a kind of mental clairvoyance for finding the willingness or otherwise of the worshippers in regard to temple entry. It seems that the Government are able to feel the pulse or look at the tongue of the trustee and settle the matter without a referendum. I am not able to see what sort of machinery this Bill is going to set up to get at the popular will. I would like the Hon. Premier to state this, because he comes to us and says that they are going to throw open the temple only if they have the people behind them.

"I fear it all depends upon his discretion. If a thing like that depends upon one man's discretion, it is not democracy. In a matter of this kind, if it is the Hon. Premier, or the trustee of the temple, or, for the matter of that, any single person who is going to decide the question, he is not the proper man to settle the question; it is the worshippers who should decide the point. In fact, the Hon. Premier has said that popular opinion of the worshippers is the criterion in cases of this kind. 'It is not merely law that we want but we want the willing consent or otherwise of those people who now worship in the temple.' This was said in December 1938; now it is August. I am not able to understand why in the esteem of the Hon. Premier a healthy principle which he held in 1938 should go and he should tell us now that he has got more faith in a single man's discretion than in the vote of the worshippers. Therefore we have accepted it as a safe principle that the opinion of those who are now enjoying the right to worship should be taken. It is not my intention to rub things into you; it is not my intention to show that you have been contradicting yourself. I am trying to prove

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my point to show that it is democracy that is wanted, whatever might be your propaganda or whatever pledges you might have given in 1932 or in any subsequent year, barring of course the passage at arms the mover of the Bill had mentioned he had with Mr. M. C. Rajah in 1938. Promises have to be altered; promises have to be softened sometimes; I do not think you have broken any pledge. In the Malabar Temple Entry Bill you have fulfilled your pledge in a greater measure. This is an arbitrary Bill which is inconsistent with democracy; it is not at all consistent with the principles which guided you in the passing of the Malabar Temple Entry Act about five or six months ago. That is my submission.

" Why should there be such a change? Where is the necessity? Did you give a sporting chance to the Temple Entry Bill in Malabar? You swore by Malabar. You said, 'Malabar is contiguous to Travancore; they are the relatives of these people, they have a common culture, manners and customs, architecture, traditions, homes and education and in everything they are so near to each other.' You said that that was the place where Kelappan fasted and where the Guruvayur fast took place and that the harvest should be gathered from the place where the soil was prepared and the seed was sown. Then my hon. Friends, Messrs. Pannir Selvam and Rajah both said, 'Why in Malabar? Why don't you get it done in Salem? Why don't you have it in Madura where you say that there has already been much preparation going on?' It was open to the Congress party to have extended the Malabar Temple Entry Bill to Madura also and proved to the people that public opinion is ripe and that people are behind it. 5-30 p.m.

" Now there is another point. The Hon. Premier very skilfully says: 'Once you have this vote, the sanatanists and others will be divided completely and be confined in water-tight compartments and conflicts will arise; so voting is bad.' Once he swore by voting in December 1938, but now he is not for it. Did not this thought occur to him then that voting will divide the people? What we say is, you have got a Government by the will of the majority. If in a particular place the sanatanists are not in a majority and they are smaller in number and there is an overwhelming body of public opinion, the will of the majority ought to be respected; the minority people cannot go on saying anything: they will have to submit to the rule of the majority. In these circumstances, I cannot understand how there could be a flaw in voting. How can you say that there will be a conflict which is very undesirable and dangerous? I do not think that I am able to see eye to eye with the Premier, because, voting is the life-breath of democracy. If we have got a majority, we succeed and then only we can take credit for the measure, whether

it is temple entry or some other measure. It is by voting we live and it is by voting we die. (Laughter) Such is democracy. (An hon. Member: 'Politically!') It is politically I am saying. We are not having breakfast. I think my hon. Friend was thinking of *oats*. I am referring to *votes*. At any rate it is not my intention now unnecessary to argue this matter, because, I believe that the purpose of democracy is fulfilled if you respect the feelings of the majority in this matter and if you accept the sort of amendment which my hon. Friend Mr. T. T. Krishnamachariar has given notice of, because it stands for a sound principle. For the exigencies of the moment you ought not to sacrifice a principle. That is my submission and I hope, Sir, that this will be the proper method. The Bill as it stands is an arbitrary measure. It is unreasonable. It is an illogical measure and I do not think that it becomes a democratic House to pass this measure."

* SRI RAO BAHADUR M. C. RAJAH:—" Mr. Speaker, I heartily welcome this Bill. I am glad that it is recognized that there is and has been a growing volume of public opinion demanding the removal of the disabilities imposed by custom and usage on certain classes of Hindus in respect of their entry into and offering worship in Hindu temples.

" The important thing here is not so much that such a volume of opinion exists, as the fact of its existence being recognized by those who have it in their power to remove the disabilities imposed by custom and usage. The recognition of the volume of public opinion in this matter is a fact on which, on the principle 'better late than never,' the Hon. Mr. Rajagopalachariar deserves to be congratulated. (Hear, hear.)

" Sir, this Bill is not a piece of direct legislation nor even of permissive legislation. No elaborate machinery such as is found in the Malabar Temple Entry Bill is set up to give effect to public opinion. The public opinion which exists is allowed to act naturally, through individuals like a temple trustee, or a priest, or a Government official or any other person connected therewith, who is free to exercise his judgment and give effect to it in spite of a certain measure of inevitable opposition. In all cases of social and religious reform, there will always be two parties and two sections of public opinion, one demanding the reform, the other opposing it. The points to be considered in introducing legislation for securing the reform are (1) the justice and desirability of the change to be effected, and (2) the existence of a sufficient and growing body of progressive opinion in favour of it. I say, a sufficient and growing body of progressive public opinion, because the reform is not a matter to be decided by considerations of majority and minority. The thing to be considered

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is whether the progressive section is sufficiently big and whether it is a growing body holding in its hands, the future generation of the country; whether the conservative section, however numerous and influential it may be for the present, is not a diminishing quantity, whether it is not like a waning moon, losing its size and lustre day by day until at last it disappears from the sky. Thus while, if you look into the past, you may or may not find authority in the *shastras* for throwing open the doors of temples to all classes of people alike, is there anybody who will venture to deny that the spirit of the times demands that there should be no exclusion practised against those who wish to worship God in any manner and in any place they choose? So far as we, Adi-Dravidas, are concerned we may set up our own temples and *bhajana kudams* and prayer halls and give spontaneous expression to our feelings of devotion to God in more sincere forms than is possible in the existing temples. But it is the principle of exclusiveness and discrimination that we protest against and wish to see renounced and relinquished, so long as there is a desire to count us among the Hindus. If we are regarded as Hindus, we must be treated as Hindus in all respects and on a footing of equality with every other class of Hindus. The principle involved is one which applies not only to the so-called depressed classes but applies to all other classes of Hindus. There should be no boundaries set up between God and man, no lines of demarcation between one body of worshippers and another. All are equal in the eyes of God. All are His children and let us behave as brothers at least in His presence however much we may quarrel outside His House. A God who discriminates between man and man is no God at all. A true God will say, 'Come unto me, all ye who labour and are heavily laden and I will give you rest.' He will say it particularly to the labouring classes among whom the Adi-Dravidas are most prominent. It therefore behoves all those who wish to save Hinduism from extinction, to support this Bill, which seeks to support and protect those functionaries of Hindu temples, who, becoming aware of the justice of the desire of the Adi-Dravidas to worship in Hindu temples and of the strength of the public opinion among Hindus in favour of their demand, venture to give expression to that progressive growing opinion, in spite of the opposition of a gradually diminishing and dwindling conservative section, however numerous that section may inevitably be.

"One thing I may say. This Bill is intended to replace the Indemnity Ordinance which has been promulgated in the name of His Excellency the Governor. This ordinance is no doubt an extraordinary procedure especially in a matter which concerns the social and religious customs of the people. There would have been no need for such an ordinance and for such a procedure if the permissive Bill which I introduced in this Assembly only last

year had not been torpedoed by my friend the Hon. Mr. Rajagopalachariar. But wiser counsels have since prevailed and we should congratulate him upon this none too early attempt at reparation and we should also thank His Excellency the Governor for so promptly coming to the rescue of the Premier.

"Sir, the Bill is very simple and contains no elaborate machinery. This is its supreme merit. It simply opens the sluice gate for enlightened, progressive, patriotic and forward looking Hindu opinion to flow into the social and religious life of the people of all castes. I say *social* advisedly, because once the religious equality of all Hindus is recognized, the social equality will follow, and the barriers of caste will naturally crumble down. Finally, I *request all* parties and communities represented in this Assembly and in the Presidency to co-operate in making this temple entry a real success. Let there be no make-believe or eye-wash about it. Let no party make political capital of it. It should be remembered that this measure has come into being in the fullness of time. It is the result, as is said in the preamble to the Bill, of a growing volume of public opinion. To this growing body of opinion, various agencies have contributed; to mention only a few, the Hindu social reformers of the 19th and 20th centuries, the awakeners of the depressed classes both within and outside the community, the critics of the Congress Party, and last but not least, Gandhiji—all these have done their share in bringing about this result. Let not the Congress Government claim a monopoly of the credit. A proportionate share of the credit is due to my friend Mr. Rajagopalachariar, but the major portion of the credit should go to the hundreds and thousands of persons of all parties who have created the growing volume of public opinion to which this Bill seeks to give effective expression. Sir, I support the motion before the House."

* BASHEER AHMED SAYEED SAHIB BAHADUR:—"Mr. Speaker, it may seem curious to some that I should participate in this discussion. I do not think, Sir, I need offer any apology. Apart from my right as a member of this House to speak on the motion before the House, I venture to say that I hold my own views upon such matters. (An hon. Member: 'You do it always.') And, it is but right that I should give expression to those views. Sir, in the first place I want to remind the House and particularly my non-Muslim brethren that the movement concerning which this Bill has been brought forward to-day is essentially a reform movement within the Hindu society. That being the case—and I do not think that there can be any two opinions about that—the Harijan movement, or the removal of untouchability movement, is essentially a reform movement within the society, by which the present order is sought to be reorganized and consolidated and put in a proper form and order. If that is so,

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it must be the ordinary duty of all other sister communities to welcome such a reform, either within the Hindu community or any other community for the matter of that.

"It is no more an open question, Sir, as to whether the Harijan, the Adi-Dravida, belongs to the Hindu fold or does not belong to the Hindu fold. The majority section of the Hindu community has claimed the Harijan to be within its own fold and the minority section, viz., the Harijans, has acquiesced in that claim. Sir, the Hindu society as a whole, barring certain exceptions which have come into existence by reason of the later and recent reform movements, consists mostly of worshippers in temples where idols are placed; and as far as my knowledge and experience goes, the Harijans are worshippers in temples where similar idols are kept. Sir, I use the word 'idol worshippers' in the ordinary sense. The Harijan is as much an idol worshipper as any other member of the Hindu community, and the temple, Sir, where idols are installed is as much the common property of any member of the Hindu society, who chooses to worship that particular idol as it would be of any other member, be he the Adi-Dravida or the caste Hindu. If these two propositions are true, viz., that the Harijan belongs to the Hindu society, that the temples belong to the Hindu society, that the Harijans are idol worshippers and that the temples are intended for idol worshippers, there can be no argument that the Harijans are not to claim the right to enter the temples; but the irresistible conclusion, is only this, viz., that the Harijans are entitled to enter the temples and have worship even as any other member of the society has, the only difference being the different schools of worship and different avatars. But, if these two major premises are not to be conceded, then the position will perhaps be different. I submit, Sir, that if these two premises are conceded, it passes one's comprehension as to why one section of the Hindu community should oppose temples being thrown open to their own members, members of their own community, members of their own social order, members who follow the same faith and follow the same practices and are claimed to belong to that social order for all purposes.

"Of course, the answer would be that in every age there has been some reactionary element or other which has always stood against progress and it is just that type of section which is now giving so much evidence of its existence. But, I do not think that the movement will in any way be affected by the worst that this section of the conservatives or the sanatanists might choose to do with regard to this movement. The fact cannot be forgotten that this Harijan movement has come to stay and is again, Sir, a great movement of the age, a movement of consolidation, a movement of reorganization of the Hindu society, a movement intended for the progress and the stabilisation of the Hindu community as

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a whole. That I consider is the greatest of Mahatma Gandhi's contributions to the present age and even to the Hindu society, for all these several centuries and it is conceived only for its progress and its well-being. It is a pity, Sir, that this aspect of the movement is not appreciated by a section of the Hindu community which claims itself to be the most educated and the most highly enlightened. Perhaps the House is aware that there is a section of opinion which holds that this movement is directly or indirectly aimed against other communities in the land. I do not wish, Sir, to characterize that opinion as right or wrong. Be that as it may, any opposition, from those who believe this Harijan movement to be directed against themselves or against their community or against their social order or progress, may be certainly intelligible. But, Sir, opposition from among members of the Hindu community itself in whose ultimate interest this movement is conceived, nurtured and progressed, is simply unintelligible to me.

"It is a matter for regret that the sanatanists, the conservatives and their fold do not care to appreciate that this movement is but the result of the far-sightedness and the long-range policy of Mahatma Gandhi and of the Congress which follows his lead. The Hindu community, I say, Sir, has to be grateful in the extreme to Mahatma Gandhi for having conceived and planned this movement for the removal of untouchability and of the ban on temple entry. He has thought in advance of the times; he has looked far ahead of his contemporaries. Hindu as he is essentially, he has laid the true foundations for the real stabilization and for the continued existence of the Hindu society and the Hindu religion as a whole. Whatever might be the direct or the indirect results of this movement on other communities and sections of the people in the land, as some would seem to think either in the present times or in the future, there can be no justification whatever, for the members of the Hindu community, whoever they may be, to oppose the movement for temple entry. The Muslim community and the Christian community, both have to take a leaf from Mahatma Gandhi's ideals and his activities, to set their own houses in order."

MR. SPEAKER:—"The hon. Member will just wait a minute. Visitors are found standing in the galleries as well as behind the balconies. All visitors will sit in the seats allotted to them and those standing in the doorways will withdraw. Those occupying seats not allotted to them will go from those seats and occupy the seats allotted to them."

* BASHEER AHMED SAYEED SAHIB BAHADUR:—"I was saying, Sir, that it is now up to the other communities in this country to take a leaf from Mahatma Gandhi's activities and plans for consolidation and reorganization."

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MR. SPEAKER:—"Visitors still standing will be sent down if they continue to stand in the gangways. The hon. Member may now proceed."

* BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, we have to take a leaf from Mahatma Gandhi's chapter and put an end to the unseemly and undesirable squabbles and bickerings that are now taking place among Muslims elsewhere in another part of India. Those activities are really tarring the fair face of Islam and causing the greatest disgrace to the fair name of Islam. I refer to the 'Shiah-Sunni' dispute in Lucknow. Sir, I appeal to all my friends here, to draw a useful lesson from this movement, the Harijan movement, with a view to ensure the ordered progress of all people, of all sections and of all communities in the country. After all, we all form but one single chain and let us not allow any single link thereof to remain weak, if the chain is really to serve the purpose of dragging the coach of freedom and progress. Sir, in history we have had the absurd spectacle that whereas all incitations of one people or one community against another have been tolerated and encouraged, all conciliatory tendencies and all pacifist ideals have been regarded with suspicion and even distrust on the pretext that they are dangerous to some civil or religious body. These pacifist tendencies and conciliatory activities in past history have been stigmatized as defeatist and as likely to undermine the pious heart or the patriotic zeal of individuals. But to-day let us congratulate ourselves that such is not the state and we see that the tables have been wholly turned by the activities of the Congress, by reason of the reform movement, the Harijan movement. The Premier and the party to which he belongs, Sir, deserve every encouragement and congratulation. The Premier works for the spiritual freedom and appeals for toleration. He says that we can live together peacefully only when we control our intolerance. Even though there may be differences of opinion from time to time, nothing prevents the different sections at any rate from coming to a general understanding and entering the bond of peace, pending the day when we shall all attain unity of faith. It has been said, Sir, that no effort made by the pure in heart should be deemed futile or stigmatized. People like Mahatma Gandhi and those who stand for reform movements like this have merely lived in advance of their times and they can only find significance in a timeless ideal, and I must congratulate those who have conceived the idea of this reform movement, of forming at least one society in the midst of so many other disorganized societies and thereby contributing towards progress in its own way.

"I say, Sir, that this Bill is not a direct attempt towards getting the temples thrown open. It does not call upon people to throw the temples open. It only seeks to indemnify those who facilitate the free worship and free spiritual communion with

God in temples which belong to the Hindu society by members of that society. I submit that this Bill should be allowed to go forward.''

* **SWAMI A. S. SAHAJANANDAM**:—"தலைவர்களே, இன்று பெருமை பொருந்திய இந்த சபையில் விவாதத்திற்கு எடுத்துக்கொண்ட விஷயம் பெரு மகிழ்ச்சியை யளிக்கிறது. தீண்டாமை யென்னுஞ் சிறையில் கேட்பாறற்று பன்னெடு நாட்களாக துன்பமுற்று வருந்தும் ஹரிஜனங்களின் விடுதலைக்காக முயற்சிக்கும் இந்த சபை யங்கத்தினர்களுக்கும் அரசாங்கத்திற்கும் சிறப்பாக கனம் இராஜாஜிக்கும் கனம் மகாத்மா காந்தியடிகளுக்கும் யானும் எனது சமூகத்தினராகிய ஹரிஜனங்களும் எதிர்கால சந்ததிகளும் என்றென்றைக்கும் நன்றியறிதலுடையவர்களாயிருக்கக் கடமைப்பட்டிருக்கிறோம். மக்களைக் காப்பாற்றுவது தாயின்பால்; அதிலும் விஷயமிருக்கிறதா வென்று பரிக்ஷை செய்வாரைப்போல, அரசாங்கத்தார்மீதும் ஹரிஜனங்களுக்கு உழைப்பவர்கள் மீதும் குறை கூறும் ஹரிஜனங்களும் உண்டு. அவர்களைப் பொருட்படுத்தா மலிருக்கும்படி கேட்டுக்கொள்ளுகிறேன். ஆலயங்கள் ஆத்மாக்களை உய்விக்க ஏற்படுத்திய சாதனங்களாகும். அதில் சிலருக்குத்தான் உரிமையுண்டு சிலருக்கு உரிமையில்லை யென்று கூறுவது சாஸ்திரங்களின் கருத்தை யறியாதவர்கள் கூற்றாகும். வேதங்களில் ஆலயங்கள் விஷயமாக அதிகமாகப் பிரஸ்தாபிக்கப் படவில்லை. எங்கேயோ பிரதிஷ்டை மந்திரங்கள் சில கூறப்பட்டுள்ளன. அதுவும் தைத்திரிய உபநிஷத் போன்றவைகளில் கூறப்பட்டுள்ளன. வேதங்கள் பெரும்பான்மையும் அக்கினி காரியங்களையே கூறுகின்றன. ஆதலால் துவிஜாள் மூவருக்கும் அக்கினி காரியமே பிரதான மொழிய ஆலயங்கள் பிரதானமன்று. சூத்திரர்களுக்கு வேதத்தில் இடமில்லை. அவர்களுக்கு அக்கினி காரியமில்லை.

"ஆகமங்களில் தான் ஆலயங்கள் அமைக்கும் முறைகளும், ஆலயங்களில் செய்தற்குறிய ம்ருத்சங்கரஹணம் முதல் விவாகம் இறுதியாகயுள்ள பதினெண் கிரியைகளும் கூறப்பட்டுள்ளன. பூஜாக்கிரமங்களும் சோடச உபசாரங்களும் திருவிழாக்கள் முதலியனவும் கூறப்பட்டுள்ளன. மேலும் பூஜை செய்யும் அதிகாரிகள் பற்றியும் ஆலயங்களில் சென்று வழிபடுதற்குரியார்கள் பற்றியும் கூறப்பட்டுள்ளன. ஆகமங்களில்தான் சூத்திரர்களெனப்படும் நான்காம் வருணத்தாருக்கும் தீட்சை, பூசை, முதலிய கிரமங்கள் கூறப்பட்டுள்ளன. தீக்ஷையில்லாதார் பிராமணர் முதல் யாராயினும் கர்ப்ப கிரஹத்தில் நுழையக் கூடாதெனவும் பூசிக்க தகுதியில்லாதவரெனவும் கூறியிருக்கிறது. ஆகமத்தைப் பிரமாணமாகக் கொண்டால் தீட்சை யில்லாதாருக்கு ஆலயத்திற்கே போக உரிமையில்லை. தீட்சையுடையார் அனைவருக்கும் உரிமை உண்டு. அவ்வழியில ஹரிஜனங்களும் தீட்சை பெற்றுக்கொண்டு ஆலயங்களுக்குச் செல்ல உரிமையிருக்கிறது. இது பற்றியே எல்லாம் வல்ல இறைவன் ஸ்ரீநடராஜ பெருமான் உமாபதி சிவாச்சாரியாருக்கு பெத்தான் சாம்பானுக்கு பேதமற தீட்சை செய்ய வேண்டுமென சீட்டு எழுதினார். இதனினும் வேறோர் பிரமாணம் வேண்டுமா? வைஷ்ணவத்தில் ஸ்ரீ பிள்ளை லோகாச்சாரியார் ஹரிஜனராகிய விளாஞ்சோலை பிள்ளைக்கு தீட்சை செய்து சகல சாஸ்திரங்களையும் கற்பித்தார். அதனால் ஞானாதிகராகி "சப்தகாதை" என்னும் அரிய நூலை இயற்றினார். எம்பெருமானாராகிய ராமானுஜரது ஆசிரி கணத்திலொருவராகிய பெரிய நம்பியார் அவரது குருவாகிய ஆளவந்தாரது கட்டளையின்படி மாரனேரி நம்பி யென்னும் ஹரிஜனப் பெரியாருக்கு புத்ர கிருத்தியஞ் செய்தருளினார். வைணவ சமய பூர்வாசார்யபரம் பரையில் ஹரிஜனங்கள் பின்னிக்கொண்டிருக்கின்றனர். இன்னும் பல கோடி ஜனங்கள் வைணவ தீட்சை பெற்றுள்ளார்கள். ஆகமத்தின்படி இவர்களனைவருக்கும் ஆலய வழிபாட்டில் உரிமை யிருக்கிறது. ஆலயம் ஆன்மார்த்த பூசைக்காக ஏற்பட்டதன்று. பரார்த்த பூஜைக்கு ஏற்பட்டது. ஆதலால் அதனைப்பூசிக்கும்

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குருக்களுக்கோ சனாதனிகளென்போருக்கோ ஒரு வகுப்பாருக்கோ சொந்த மன்று ஆண்டவனை வழிபட எண்ணமுள்ள அனைவருக்கும் உரிமையுண்டு. கண்பெற்ற அனைவரும் உருவத்தைக்காணும் உரிமை பெற்றிருத்தல் போல் தலை பெற்றுள்ள அனைவரும் எண்குணத்தான் தாளை வணங்க உரிமை பெற்றுள்ளார். தலை பெற்றிருந்தும் இறைவன்றாளை வணங்கவில்லையாயின் அது பகுத்தறிவுடைய மனிதன் தலையாகாது. ஹரிஜனங்களுக்கு ஆண்டவன்றலைகொடுத்தது அவன்றாளை வணங்கவே. ஹரிஜனங்கள் ஆலயத்திற்குள் வரக் கூடாதென்று ஆகமம் தடுக்கிறதென்கிறார்கள். அது ஆகமத்தின் பொருளறியாதார் கூற்றேயாம்.

" ஆகமங்களில் ஆலயங்களை இருவிதமாக அமைக்கும்படி கூறியுள்ளன. அவை சரீர பிரஸ்தாரம் இருதயப் பிரஸ்தாரம் என்பனவாம். சரீரத்தைப்-போல் அமைப்பது சரீர பிரஸ்தாரம். இருதயம் போல் அமைப்பது இருதயப் பிரஸ்தாரமாம். எல்லா ஆலயங்களும் இவற்றின்பாலடங்கும். இவ்வமைப்பை யறிந்தவர் மக்களை ஆலயத்துள் வரக் கூடாதென சொல்ல மாட்டார். தடுப்பவர்களைக் கண்டு நடுங்குவார். மக்களது உடம்பே ஆலயமாகும். திருமூலர் திருமந்திரம்

' உள்ளம் பெருங்கோயில் உடம்பு சுற்றாலயம்
வள்ளல் பிரானார்க்கு வாய்க் கோபுர வாசல்
தெள்ளித் தெளிவார்க்குச் சிவன் சிவலிங்கம்
கள்ளப் புலனைந்துங் காளா மணி விளக்கே.
மானிடராக்கை வடிவு சிவலிங்கம்
மானிடராக்கை வடிவு சிதம்பரம்
மானிடராக்கை வடிவு சதாசிவம்
மானிடராக்கை வடிவு திருக்கூத்தே
என்று கூறுகிறது '

"சிவஞான சித்தியார் ' எவ்வுயிரும் பராபரன் சந்நிதியாகும். இலகு முடலுயிரனைத்தும் ஈசன் கோவில் ' என்று கூறுகிறது. இவற்றால் இறைவன் லிங்கி, சீவான்மாக்கள் லிங்கமாகும். கர்ப்பகிரகம், அர்த்த மண்டபம், மகா மண்டபம், அபிஷேக மண்டபம், அலங்கார மண்டபம், சபா மண்டபம், ஆறும் ஆறாதாரமாகும். அன்ன மயம், பிராண மயம், மனோ மயம், விஞ்ஞான மயம், ஆனந்த மயமென்னும் ஐந்து கோசங்களும் ஐந்து பிரகாரமாகும். சில இடங்களில் ஸ்தூல சரீர தத்துவதாதுக்கள் ஏழையும் சப்தாவரணமாகக் கூறுவர்,

' காயமே கோயிலாகக் கடிமனம் அடிமையாக
வாய்மையே தூய்மையாக மனமணி யிலிங்கமாக
நேயமே நெய்யும் பாலா நிறைய நீரமைய வாட்டி
போற்றவுங் காட்டினோமே பூசனை யீசனார்க்கே '
' உடம்பெனும் மனையகத்துள் ளுள்ளமே தகளி '

என்பனவாகிய தேவாரங்களும் இதனை வலியுறுத்துவனவாம். ஆலயங்களிலுள்ள ஒவ்வொரு நிலைமையும் ஆன்மாவின் உரிமையை விளக்குவனவாயிருத்தலின் வழிபட வரும் ஆன்மாவைத் தடுப்பவர் சிவ அபசாரப்பட்டு இறைவனது கோபத்திற்கு ஆளாவார் என்பது திண்ணம். பல நாள் ஆலய வழிபாடு செய்பவர் அப்புண்ணிய மிகுதியால் ஒரு சமயம் ஆலயத்தின் அமைப்பையும் அங்குள்ள இறைவன் சாந்நியத்துவத்தையும்

[Swami A. S. Sahajanandam] [3rd August 1939

வழிபாட்டின் வந்துவங்களையும் திருவிழாவின் தத்துவங்களையும் வழிபாடு செய்யும் தமது இலக்கணங்களை சம்பந்தங்களையும் ஆராய்ந்தறிந்து பிறவிப் பிணியின்றும் உய்வர்.

‘ பூசை செய்தன்னையும்
  பூசிக்கப்படும்

ஈசனதியல்பையும்
  இறைவன் பூசை செய்

ஆசறு பொருளையும்
  அறிவருந்துயர்

தேசிக னருளினால்
  தெளிய வேண்டுமால் ’

“ என்பதற்கிணங்க தத்துவங்களை ஆராய்ந்தறிய வேண்டும். இவ் வுண்மைகளை யறியாதார் செய்யும் வழிபாட்டால் பலன் அதிக முண்டாகாது. அறிந்தவர் வழிபாடு செய்ய வருவோரை ஒருகாலும் தடுக்கமாட்டார்கள். ஆலயங்களைத்திறந்து விடுவர். உயிர்களுக்குணர்த்தவே ஸ்ரீநடராஜபெருமான் நந்தனாருக்குத் திறந்தார். ஸ்ரீ அழகிய மணவாளன் திருபாணாழ்வாருக்குத் திறந்தார். ஸ்ரீ ராமானுஜர் மேல்கோட்டையில் திருநாராயணபுரம் கோயிலைத் திறந்து வழி காட்டினார். இன்று காசி, ஜகந்நாதம், பண்டரிபுரம், மேல்கோட்டை முதலிய இடங்களில் அனைவரும் சேவிப்பதைக் காணலாம்.

“ ஸ்மிருதிகளில் திவாகீர்த்தி, சுவபசன், சண்டாளன், சூத்ர ஸ்திரிகள், பெருநோயாளர், பஞ்சமாபாதகர்கள் இவர்கள் ஆலயங்களில் போகக் கூடாதெனக் கூறியுள்ளது. ஹரிஜனங்கள் இவர்களுள் அடங்கமாட்டார். கேட்பாரற்ற ஹரிஜனங்களை சண்டாளரெனக் கூறுகின்றனர். சண்டாளருக்குரிய இலக்கணம் ஹரிஜனங்களுக்கு சம்பவியாது. எவரேனும் நிரூபித்துக் காட்டினால் யான் எனது காதை அறுத்துக்கொள்ளுவேன். படித்தவர்களும் சுயநலத்தால் உண்மையை மறைத்துக் கூறுகின்றனர். மகாமதிகளான பண்டிதர் மதன்மோகன மாளவியாவும், மகாத்மா காந்தியடிகளும், என்று ஆசிரியர் காவிய கண்ட கணபதி சாஸ்திரிகள் போன்ற பெரியார்களும் ஹரிஜனங்கள் தீண்டாதவர்களல்ல வென்று முடிவு செய்தனர். ஹரிஜனங்களைத் தடுப்பது பாவமென்றுணர்ந்தனர். அதற்காக மகாத்மா உண்ணாவிரதம் பூண்டு தவங்கிடந்தார். சத்தியத்திற்கும் தர்மத்திற்கும் ஒருவர் தவங்கிடந்தால் எத்தனை பேர் தடுத்தாலும் அது மேலோங்கும் என்பதற் கிணங்க மகாத்மாவின் சத்திய சங்கற்பம் பலித்தது. அசத்தியத்தை நிலைநிறுத்த எத்தனை பேர் முயன்றாலும் அது ஒரு நாளைக்குக் கீழே வீழ்ந்துவிடும் என்பதை இன்று அநுபவத்தில் காண்கிறோம்.”

MR. SPEAKER :—“ I think the Hon. Member is travelling far beyond the scope of the discussion on this Bill. He must be very brief in his remarks.”

SWAMI A. S. SAHAJANADAM :—“ ஹரிஜனங்கள் அசுத்தமாயுள்ளார்கள். ஆதலால் ஆலயத்துள் வரக்கூடாதென சிலர் ஆக்ஷேபிக்கிறார்கள். ஹரிஜனங்கள் அசுத்தரன்று. பாண்டவர்களுக்காக கண்ணபிரான் தூதுபோனதும், சாரத்தியம் செய்ததும், கீதையுபதேசஞ் செய்ததும், பாரத யுத்தத்தை முடித்து வைத்ததும், துரௌபதியார் செய்த சரணாகதிக்காகவென்று பூர்வாசாரியார் கூறியுள்ளார்.

“ துரௌபதியார் பிரபத்தி செய்தபோது தீட்டாயிருந்தார்கள். இவ்விஷயத்தைப் பிள்ளைலோகாசார்யார் குறிப்பிடும்போது

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" 'துரௌபதை ஸ்நாதையாயன்றே பிரபத்தி பண்ணிற்று, அர்ச்சுனர் நீசர் நடுவேயிறே இவ்வர்த்தங் கேட்டது' என கூறியுள்ளார் 'சுத்தியசுத்திகள் தேடவேண்டாம் இருந்தபடியே யமையுமித்தனை' யென்றாராதலால் சுத்தமும் ஆசார அநுஷ்டானங்களெல்லாம் சனாதனிகளுக்கே. வயல் வேலை செய்யும் ஹரிஜனங்கள் கை கால்களைச் சுத்தஞ் செய்து ஆண்டவனை வணங்குவதேயமையும். இதனால் ஸ்நானம் அநுஷ்டானம் வேண்டாமென்று கூறவில்லை.

" ஆனால் சரணாகதிக்கும் ஆலயவழிபாட்டிற்கும் என்ன சம்பந்தமென்று கேட்கலாம்.

'' சரணாகதிக்கு தேசநியமம், காலநியமம், அதிகாரி நியமம், பல நியமமில்லை; விஷய நியமமே யுள்ளதென்றார், ஸ்ரீவசன பூஷணக்காரர் விஷய நியமம் அர்ச்சாவதாரத்திலே யென்றார். ஆதலால் சரணாகதிக் கிசைவோர் அர்ச்சாவதாரமாகிய விக்ரகத்தினிடம் பிரபத்தி செய்யவேண்டும் எனவும் துரௌபதி திருஷ்டாந்தத்தால் தீட்டில்லை எனவும் ஏற்படுவதால் ஹரிஜனங்களை அசுத்தமானவர்களென்று கூறயிடமில்லை.

" 'மிலேச்சனும் பக்தனானால் அறிவுகொடுத்து குல தெய்வத்தோடொக்க பூசை கொண்டு பாவனதீர்த்தப் பிரசாதனாம் என்று மணவாளப் பெருமாள் நாயனார் ஆசார்ய இருதயத்தில் அருளிச் செய்தார். '' ஆவுரித்துத் தின்றுழலும் புலையரேனும் கங்கை வார்சடை காந்தார்க்கன்பாராகில் அவர்கண்டீர்யாம் வணங்கும் கடவுளாரென்றார் அப்பர். ஆதலால் ஹரிஜனங்களை எந்த நூலுந் தடுக்கவில்லை. அவர்களை ஆதரித்தேயிருக்கின்றன. நந்தனார் தீயில் மூழ்கி வரும்படி நடராஜ பெருமான் கட்டளையிட்டாராதலால் ஹரிஜனங்களும் தீயில் மூழ்கி வரட்டுமென்று சில குயுக்திவாதிகள் கூறுகிறார்கள். தாங்கள் சுத்தமானவர் சுவாமிக்கு அந்தரங்கரென்பதை நிரூபிக்க முதலில் உயர்ந்தவர்களென்போர் மூழ்கிக் காண்பித்தால் பின்னர் ஹரிஜனங்களும் மூழ்கி காட்டுவர். இல்லை மூழ்கியே வரவேண்டுமென்று கூறுவாராயின் மாரியம்மன் கோயில்முன் தீபிதியில் மூழ்கி வருவதைப்போல் ஹரிஜனங்களும் மூழ்கிவர யாதுந்தடையில்லை. தெய்வவருள் வெள்ளம் புரளும் இக்காலத்தில் அதற்கு அனுகூலமாக நடக்கவேண்டும். மதுரையில் நடைபெற்ற சம்பவம் முழுவதும் ஸ்ரீ மீனாட்சியம்மன் திருவருளே.

'' சனாதனிகள் ஆலயப் பிரவேசத்தை எதிர்ப்பதாக சிலர் புரளி செய்கிறார்கள். அவர்கள் வருந்துவது சுவாமி கெட்டு விடுமென்றா? கெடுவது சுவாமியாகாது தங்கள் நன்மை போய்விடு மென்றா? தங்களை வழி செய்ய வேண்டாமென்று தடுப்பவர் யார்? மற்றவர்கள் நன்மைபோய் விடுமென்றோ? மற்றவர்கள் இவர்களை விரும்பவில்லை. சனாதனிகள் ஒரு கைப்பிடியிளடங்குபவர். ஹரிஜனங்கள் ஆறு கோடி மக்களிருக்கின்றனர். பெரும்பான்மையோர் அபிப்பிராயத்தை அறிந்து நடத்தலே அரசாங்கத்தார் கடமை. சனாதனிகளின் இலக்கணமென்ன? என்னைக்கூட சனாதனியாக நினைத்துள்ளேன். வேதத்தைப் பிரமாணமாகக் கொண்டவன் சனாதனியானால் ஹரிஜனங்கள் அனைவருஞ் சனாதனிகளே. வேதத்தைப் படித்தவர்கள் சனாதனிகளானால் மேல்நாட்டவரும் படித்துள்ளார். வேதத்தில் சொல்லுகிறபடி நடப்பவர் ஒருவருமிலர். வேதங்கூறிய சுவல்ப ஒழுக்கமுடையவரென்றால் நாஸ்திகரும் இனிய வந்தன முதலிய சுவல்ப ஒழுக்கமுடையவராதலின், சனாதனிகளென்படுவார். ஆகையால் சனாதனிகளின் சிறந்த இலக்கணம் பெறப்படவில்லை. **1918**-ம் ஆண்டில் உயர்தரமன்ற நீதிபதி ஸ்ரீ சேஷகிரி அய்யர் சிலமக்களை தூரப்போ தூரப்போ என்று இம்சிப்பவர்கள் வைதீகரென்றார். அவர்கள்தான் சனாதனிகள். இவர்கள் மற்றவர்களைத் தாழ்த்துவதால் தங்களுக்குண்டாகும் நன்மையை யுத்தேசித்து வாதிக்கிறார்களேயொழிய தெய்வத்திற்காக வாதாட இவர்களுக்கு உரிமையில்லை. ஜகத் குருக்களும், ஜீயர்களும் மற்றவர்கள்

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பொருட்டே பயந்தே அப்படி பேசுவார்கள். அவர்கள் உள்ளத்தில் ஹரிஜனங்கள் கேட்டது நியாயமென்றே தோன்றியது. இவ்விஷயத்தைத் தனிமையாகப் பேசித் தெரிந்து கொள்ளலாம்.

" மதுரையில் ஜனங்களுக்கு மனமாற்றம் ஆச்சர்யமாக அமைந்துள்ளது. அது தீவிர பிரசாரத்தால் ஏற்பட்டது. எங்கும் தீவிர பிரசாரம் செய்தால் ஜனங்களுக்கு உண்மை புலப்பட்டு காரியம் வெற்றியடையும். சனாதனிகளுக்கு வாதாடும் நண்பர் கே. ஆர். வெங்கட்ராமய்யரும் 1932-ல் உடனே ஆலயங்களைத் திறக்கவேண்டும் ; சிறிதும் காலதாமதமேற்படக் கூடாதென்று கையொப்பமிட்டுள்ளார். ஆதலால் யாருக்கும் உள்ளபடி ஆக்ஷேபமில்லை. எந்தக் காலத்திலும் சிறிது எதிர்ப்பு இருக்கத்தான் செய்யும். அதனைப் பொருட்படுத்தாமல் ஹரிஜனங்களின் நன்மைகளைப் பாதுகாக்க வேண்டுகிறேன்."

" அவசரச் சட்டம் அவசியமா ?—சிலர் ஹரிஜனங்கட்கு எதற்காக ஆலயங்களைத்திறக்க வேண்டும். அவசரச் சட்டம் எதற்காக இயற்ற வேண்டுமென்று கேட்கிறார்கள். ஒருவன் தவறி ஆற்றில் வீழ்ந்து விட்டான், வெள்ளம் அவனை ஈர்த்துச் செல்கிறது, என்னை கைதூக்க வேண்டுமென்று கேட்கவும் எண்ணமில்லாதவனாகி வெள்ளத்தில் மூழ்குகிறான். கரையிலுள்ள அறிவும் ஆற்றலும் படைத்த வொருவர் விரைந்து ஆற்றில் குதித்து அவனை தூக்கி கரையில் விடவேண்டும். அது செய்யாமல் அவன் கேட்கவில்லையே, அவன் விரும்பவில்லையே, அவன் என்ன ஜாதியான், தக்கவனோ, அன்றோ வென்றாய்ந்து கொண்டிருந்தால் ஆற்றில் மூழ்கியவன் இறந்துவிடுவான். அவனுடைய ஆபத்தே அவனைத் தூக்குவதற்கு அதிகாரமாகும். அவ்வாறே கரையிலுள்ளவன் தைர்யமே அவனை எடுத்தற்கு அதிகாரமாகும், அதுபோல் ஹரிஜனங்கள் தீண்டாமையென்னும் ஆற்றில் வீழ்ந்து துன்பமாகிய வெள்ளத்துள் மூழ்கி அறிவும் மழுங்கி ஆபத்தடைந்துள்ளார்கள். இவர்களது ஆபத்தே இவர்களைத் தூக்குவதற்கு அதிகாரமாகும். அறிவும் பலமும் உடையவன் எவ்வாறு தூக்குவதற்கு அதிகாரியாவானோ அவ்வாறே மகாத்மா காந்திஜியாரவர்களும், ராஜாஜியவர்களும் மற்றும் அவர்களைப் பின்பற்றிய இரக்கமுள்ளவர்களும் விரைந்து சென்று ஹரிஜனங்களைக் கைதூக்கி விடவேண்டும். அது செய்யாவிட்டால் ஹரிஜனங்கள் நஷ்டமடைவார்கள் ஆதலால் சென்னை மாகாணத்தின் முதன் மந்திரியவர்களும் காங்கிரஸ் பார்ட்டியும் ஹரிஜனங்களை தீண்டாமையாற்றிலிருந்து எடுக்க முயல்வதும் சட்டமியற்றுவதும் நியாயமாகும். இந்துக்களாகப் பிறந்த ஒவ்வொருவரும் இக்கடமையை நிறைவேற்றுவதற்குரியார். "

* SRI N. S. VARADACHARI :—" Sir, I listened very carefully to the speeches of two hon. Members opposite, Mr. T. T. Krishnamachariar and Mr. G. Krishna Rao. I am sorry for Mr. T. T. Krishnamachariar." (Voices : ' Can't hear, Sir.')

MR. SPEAKER.—" At my suggestion the hon. Member is not using the microphone. I think he will make himself audible by raising his voice gradually."

* SRI N. S. VARADACHARI :—" I never expected that so good a man and so courteous a gentleman would pitch his utterance on so low a key. The whole of his argument was imputing motives, calling this legislation Machiavellian, a political game and all that. I wish, Sir, he had spoken with a clean conscience as the good and God-fearing Hindu that he is. I do not answer his

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arguments as I cannot speak for other people's motives. But I can assure him that I support this Bill with the cleanest conscience.

" As for Mr. Krishna Rao I am sorry he swears by his strange proposition of living by the vote or dying by the vote. This is not *Sanatana Dharma.*"

Sri G. KRISHNA RAO:—" I am not a Sanatanist." (Laughter)

* Sri N. S. VARADACHARI:—" Sir, if the hon. Member is not, I am. And I say that the strange doctrine that he enunciated is opposed to Sanatana Dharma."

Sri G. KRISHNA RAO:—" A word of personal explanation, Sir. I was only discussing the constitutional aspect of this Bill."

Mr. SPEAKER:—" Very good."

* Sri N. S. VARADACHARI:—" Mr. Speaker, I was just coming to that. I wish, Sir, Mr. Krishna Rao had been a little patient and had thought about this problem in the deep spirit of humility with which it ought to be approached. What is it that we are after? We are after temple worship and temple entry. We are not for closing down temples and temple worship and securing temple entry as a mere political right. It is not the consent of one man that is sought, as he has made out. It implies the consent of every *archaka* in the temple. It implies the continuance of the day-to-day worship in the temple. It implies that the sanctity of the temple will not be set at naught. It implies that the *utsavams* and the honours usually done to the deities in the temples will be duly observed. It is not as if this Bill is going to secure political prestige by influencing this or that trustee to throw open this or that temple in the hope that they may win what my hon. Friend jocularly called the favour of His Exalted Holiness the Minister for Religious Endowments. It is not for that at all. I want him to set before himself a true picture and not be deluded by false pictures."

Sri T. T. Krishnamachariar rose.

Mr. SPEAKER:—" What is the point that Mr. Krishnamachariar wants to raise? "

* Sri T. T. KRISHNAMACHARIAR:—" Sir, I wish only to say that if I am to be quoted, I must be quoted correctly. I said '*His Exalted Holiness*'." (Laughter)

Mr. SPEAKER:—" I suppose hon. Members are not quoting each other wrongly." (Laughter)

* Sri N. S. VARADACHARI:—" Sir I want the hon. Member to exercise a little imagination, and see for himself what this Bill will bring about. It preserves the day-to-day worship in the temple and the observances and the ceremonials therein and allows the worship by all those who are in and who belong to the Hindu

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fold. That is the object of this Bill. Personally I am not inclined to take the votes of majorities and decide issues like this. The Malabar Temple Entry Bill may be there. But in my personal opinion this Bill is a far superior one, because it will ensure temple entry and temple worship at the same time. There is something which tells me that there is that rare quality in the Hindu faith which will bring about changes without ill-feeling and bitterness and effect reform without even the slightest thought of violence or reprisal.

" I am a Hindu. I believe in temple worship. When I enter a temple, I must confess, I feel a strange exultation. I exult in going to the temples and worshipping therein. Since I believe in all this I believe in the goodness and in the correctness of this method which will not deny to humble souls the solace of worship in the presence of God if they so desire. This method, at the same time, will secure the observance and the continuance of every practice and every ritual in the temple and in the worship therein.

" In this connexion I wish to draw attention to another fact. I beg the Hon. the Premier to be assured by me that there is nothing like fundamentalism in the Hindu religion. There are no fundamentalists among us. Sir, I was present this morning at a very fine ceremony in the house of a friend and listened to the chants not merely in the praise of God, but in the praise of all down to Vedanta Desikar and also in praise of the father of the very man who had to perform the ceremony. My son takes his religion from me, and if I believe in temple worship, I shall effect this change in my own home and elsewhere in a manner that will not disturb or detract from the sanctity of the religion to which I belong. This is the spirit in which I want Mr. Krishna Rao, the true Hindu that he is, to take this Bill and not in the derogatory spirit saying, ' Do or die by the vote '. We want the worship in the temples and the sanctity of the temples to be observed. I want our land to be full with the singing of the Vedas, the Upanishads, the Gita and the Bhagavatam. I am proud to say that, in my own humble way, with hundreds of the followers of the faith to which I belong, we shall carry the light of the scriptures to the humblest Harijans in our country. If we deteriorate to the extent to which Mr. Krishna Rao has deteriorated . . ." (Laughter)

Sri G. KRISHNA RAO:—" Sir, I cannot take that remark lying down."

Mr. SPEAKER:—" Mr. Krishna Rao objects to the use of the word ' deteriorate '. It is an unparliamentary expression. It ought to be withdrawn."

Sri G. KRISHNA RAO:—" Sir, democracy should not deteriorate in this manner."

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MR. SPEAKER:—" That Mr. Krishna Rao has deteriorated, is a personal observation that ought to be withdrawn by the hon. Member."

* SRI N. S. VARADACHARI:—" I withdraw the word, but I assure my hon. Friend that I said it in no carping spirit. I was so moved and could not believe myself when I heard one who belongs to my own faith say that he would stand by the vote or die by it, instead of saying that he would rather die with or stand by the God whom he worshipped and the temple wherein he worshipped."

* THE HON. SRI V. I. MUNISWAMI PILLAI:—" Sir, I feel it an irony of fate that we should witness a spectacle of opposition of this sort in passing an enactment that has been brought before this House. Due to ancient custom in this land, caste has crept into our society and our people in the past set a section of the Hindus at the outskirts of society. But thanks to that wonderful gentleman in Madura, Mr. Vaidyanatha Ayyar, that ugly custom has been broken. Under the force of custom and usages a certain section of the Hindus has been deprived of the privilege of entering the portals of the Hindu temples and worshipping God. Sir, the Harijans for centuries together have been pleading and have been trying to bring round the caste Hindus to their side and, it was given to Mr. Vaidyanatha Ayyar to take the greatest courage and take the Harijans into the celebrated temple of Sri Meenakshi Sundareswarar at Madura; and thereby he has shown to the world that the religion of the Hindus is really tolerant. I happened to be in Madura on the 13th June when the Temple Entry Conference took place. We saw thousands of people assembled at the Conference and also at the public meeting and I could see the spirit that was running in the veins of the people at Madura as regards the entry of the Harijans into the temple there. I may honestly tell you that I never dreamt that a change would take place so soon to make the Harijans enter into the temple. There was no forcing the issue at the Conference, but the vote was taken in the public meeting, where I think the audience must be between 20,000 and 30,000 people and only a single man voted against the proposition that was before the meeting. From that I could understand that the second city in the Province of Madras had come to the rescue of the Harijans and it would not be very wrong if I say that the Harijans for the first time got their birth right in the religious reform. I have always felt that the opening of the temples to the Harijans is the crux of the problem of the removal of untouchability and after all it has come to be realized.

" My friend Mr. T. T. Krishnamachariar has quoted a statement of the Premier to the effect, ' Get into the temple; take possession of the temple and I will give you legislation in eight days.' I am really sorry that such a statement should have been made by him on the floor of this House. We all know that the Hon. Prime

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Minister has said time and again that temple entry is not a question of the ordinary sort. It has to be proceeded with in such a way that the hearts of other classes of worshippers must come to the rescue of the Harijans. If that is done, then only there will be permanent peace and worship will be facilitated. As one who has been worshipping God—whether I am allowed into the temple or not—at least from outside the gate, I know what would be the feeling of those *archakas* and the feelings of the temple authorities in throwing open the temple to the Harijans. From the speech of Mr. T. T. Krishnamachariar we can see what is the spirit that is prevailing among *archakas* and what must be the feeling of those people, who are real *archakas*. They have got a bad tendency to look down upon this question of temple entry, and to bring them to our side is not an easy task. I know as a matter of fact that when the Malabar Temple Entry Bill was brought before this House and before the country after great deliberation, it was thought best that whatever was done must be of permanent benefit to the people concerned.

" Speaking for my community and myself I must confess that I feel that the opening of the Sri Meenakshi Sundareswarar and other temples in Madura is an event of deep religious significance. Even if these temples alone were opened and it took time for other places to follow up the event, I should consider this as a manifestation of genuine change of heart on the part of the caste Hindus. I only hope and pray that this new spirit that is fast spreading throughout the Province will soon enable the trustees and devotees of other temples to throw them open to the Harijans. Temple entry is not being effected by any subterfuge or by force: it is by the general consent of vast bodies if devotees. To these I would only say this: that the Harijans as a community have long waited and are waiting still for the fulfilment of the promise made to them in the matter of temple entry. My community approaches this problem in a spirit of humility and true religious devotion. Let there be no mistake about this that the Harijan community as a whole is anxiously looking forward to be recognized as true devotees. They have clung all these thousands of years to the Hindu faith in spite of tempting offers of proselytization and are looking forward to the fulfilment of a promise that they would be absorbed into the faith to which they have adhered in the face of insult and humiliation.'

" Speaking on behalf of my community, may I make it clear that we are as anxious as the rest of the Hindus to see that worship goes on regularly in the temples and that their sanctity is kept up? Though the home of God has been denied to us, we have neither forgotten Him, nor lost all hope that He would come to our rescue. We desire to be in the faith to which we have all these centuries adhered. We are grateful for the change of heart now and we shall humbly follow further steps that may be taken by the vast

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numbers of our co-religionists. I would appeal to the men of my community to be patient. Let us show ourselves to be truly religious and good men and then you may rest assured that not even the hardest of hearts can resist our just claim to worship. We are as fond of temples and as anxious as the rest of the Hindus to keep up their sanctity. We shall be humble and true devotees and with that spirit, hope and pray to God that He may open His own gates to us in all His various abodes.

"Sir, this Bill is brought before this House to afford protection to those who have been responsible for throwing open the temples to the Harijans. I think it is just and reasonable that they should be protected and I strongly support this Bill."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Mr. Speaker, despite what the Hon. Premier said about the non-Hindus participating in this debate . . ."

MR. SPEAKER:—"Did he suggest that non-Hindus should not participate in this debate?"

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"He suggested that it would be a better course if this matter were decided wholly by the Hindus."

MR. SPEAKER:—"That is a different matter. He did not ask non-Hindu Members not to participate in the debate."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I offer no apology for intervening in this debate. I feel that, as a Christian, in a matter of this sort, I have a right to interfere. I think I have a right to intervene as a member belonging to the group of which the Kumararaja of Chettinad is the leader and as a member of that great party in the country of which my revered friend Periyar is a leader. I have a right to intervene in this debate also as a Tamilian and a Dravidian as it refers to a question which concerns the removal of a disability imposed on a considerable section of the Dravidians by Aryans."

AN HON. MEMBER:—"Why don't you speak in Tamil?"

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Shall I speak in Tamil?"

MR. SPEAKER:—"If Sir Pannir Selvam has no objection, he may give the substance of his speech in Tamil at the end of his English speech." (Laughter)

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Sir, in referring to this question, I am in perfect agreement with the Hon. Premier about the question of non-admission of Adi-Dravidas into temples. I said that I stand here and intervene in this debate on various grounds; because as a Christian, as a Tamilian and as a member of the Justice party I have always stood for equality of

rights between man and man, rights which ought not to be denied to any one by reason merely of his birth. It seems to me that the right to worship one's own God in one's own way is the most elementary right which any civilized society ought to allow to its members. And I believe that any custom which denies the right of worship of one's own God at the proper place of worship is a barbarous custom which ought to be done away with at the earliest possible opportunity. Even the Hon. the Premier said that this was a custom which was sanctified into a law by decisions of courts. Obviously, in his mind it is not a custom enjoined by religion; it is a custom which has obtained the force of law by reason merely of the decisions of courts. It seems to me therefore that the most obvious and the straightforward course that ought to be pursued is to set right the law.

" Though I am not fully in favour of this Bill, because instead of adopting the straightforward course, it has recourse to a round-about method of dealing with a longstanding evil in such a manner that the evil will still remain there, this Bill or any other Bill which the Hon. the Premier might bring forward would have my fullest support if it was a simple Bill stating that every one belonging to the Hindu faith shall, by reason of the fact of his belonging to the Hindu faith, have a right to enter into the temples and any person who interferes with that right will thereby be committing an offence and will be liable to prosecution. That would be the plainest course and that would be the only remedy for this longstanding evil. Instead of that, this Bill, as I understand it, seems to me to perpetuate the evil rather than eradicate it. The Bill itself suggests that it is a concession and not a right if the Adi-Dravidas and the other excluded classes are allowed to enter the temples, that the permission is given as if by a favour and not as a matter of right, that the excluded classes are allowed to enter the temples only by the sufferance of the other people and the moment such a permission is withdrawn, the excluded classes go back to their original position. On the other hand, why not straightaway say that the excluded classes can enter not merely the temples, that the permission is given as if by a favour and not temples? I would go even further and say, ' Why confine this Bill to the Hindu religion alone? Make it a general Bill and say that any person who belongs to any particular faith shall have a right of admission to the places of worship set apart for the people of that faith.' It is a straight question. Incidentally it will also affect the Christian churches, wherein no doubt Adi-Dravida converts are not refused admission but have a place set apart for them in certain churches. Even a Bill like that . . ."

Mr. SPEAKER:—" Why not make the Bill wider still and say that all places of worship may be entered into by all lovers of God irrespective of their religion? "

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* RAO BAHADUR SIR A. T. PANNIR SELVAM:—" That would be *going a bit too far, I am afraid.* I for one would have no objection to the Hindus and Mussalmans coming into our churches provided it is done in an orderly manner and decorum is maintained."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:— " Nor have we any objection, so far as we are concerned."

MR. SPEAKER:—" Hindus also would not object."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—" Hindus are objecting to their own men coming in."

* MR. SPEAKER:—" The temple entry sanatanists did not object."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—" This Bill objects, Sir."

MR. SPEAKER:—" I think the time is fast coming when there will be a radical change."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—" I hope so, Sir. The provisions of this Bill which I mainly object to are these:—

" 3. If in the opinion of the trustee or other authority in charge of any Hindu temple . . . such trustee or other authority may, with the approval of the Provincial Government and notwithstanding anything contained in the Madras Hindu Religious Endowments Act, 1926 . . . *permit* persons belonging to such classes to enter into and offer worship in such temple:

PROVIDED that in the case . . .

' 4. *No* person who enters or offers worship in any temple . . . prosecuted therefor.'

Sir, all these provisions are negative from the point of view of the Adi-Dravidas. He must be *permitted* by somebody to enter the temple. Supposing a trustee permits my friend Mr. M. C. Rajah to enter a temple and supposing a sanatanist comes and obstructs him from entering the temple, what is the remedy for Mr. Rajah as against the obstructor? This Bill does not give the Adi-Dravida the right to enter temples. It only authorizes the other man, the trustee, to permit the Adi-Dravidas to enter the temple. Sir, let me take an example. I have got a house in which myself and my brother live. I give permission to a person to enter my house, but my brother says that X shall not enter. What is the remedy for X? High caste Hindus who have got the right to enter the temples claim a right to see that their purity is maintained. Supposing a trustee of a temple permits an Adi-Dravida to enter and another man says, ' No,' what is the remedy? Can the Adi-Dravida claim the entry as a matter of right once the permission of the trustee is got? It seems to me, Sir, that the provision is a dangerous one—this giving of the right to the trustees to say that A or B may enter the temple. What is the right of the trustee

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vis-a-vis the temple? He has got the right to . . . (Interruption). You give him the right now. But is it not placing him in an unduly embarrassing position? The trustee is there to administer the trust as he finds it.

" Further, Sir, Mr. Varadachari took strong exception to Mr. Krishnamachariar's characterizing the Bill as a political game. After all, what Mr. Krishnamachariar suggested was not very extraordinary or extravagant. The very Bill, the way it was brought about, the way in which the authorities were interfered with—these are all facts. Various reports appeared in the Press. The Hon. the Premier said that one version of it was all wrong, that it was all misinformed. It might be so. But let us read the Bill as it is. The trustee—one individual—can throw open a temple for worship by the excluded classes, provided he gets the sanction of the Government. The Government is composed among others of my Hon. Friends Messrs. Yakub Hasan and Varkey, the one a Muhammadan and the other a Christian. It was said that this should be a wholly Hindu affair. Instead of that, on every occasion when a trustee desires to throw open a temple, he should approach the Government which is constituted in the manner I have described. It seems to me that the whole Bill is misconceived and that the praise which is bestowed on it as a great thing conferring a great boon on the depressed classes is wholly undeserved. I am afraid, Sir, that the depressed classes themselves overestimate the value of this Bill.

" It seems to me that the Bill does in fact give a sort of legal recognition to the idea that when an Adi-Dravida or a member of the excluded classes enters a temple he commits an offence. Otherwise where is the necessity to say that such a person shall not be prosecuted? It is only when you declare that the man has got a right, and that by exercising that right he does *not offend* any provision of the law, it is then and then alone can you say that you have done something.

" After all, Sir, temple entry by itself is not anything very much. It is only the removal of one of the innumerable disabilities the poor depressed classes have been labouring under for generations. Temple entry is a mere gesture to show the goodwill of the majority of the community towards the minority. If we rest content with passing a measure of this kind, I am afraid it would take the depressed classes nowhere.

" Mr. Speaker, am I to give a summary of my speech in Tamil? "

MR. SPEAKER:—" Yes, if you please."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—" *Just to fill* in the five minutes before we adjourn? "

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MR. SPEAKER:—"You need not, if you are not willing to do so."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, the views of my Party on a matter like this are already known to hon. Members of this House and to the public outside. This is not an occasion for each party to vie with the other and claim credit for the reform that has been achieved and for the various ameliorative measures carried out for the depressed classes. But one thing is certain, Sir. The emancipation of the depressed classes has been engaging the attention of politicians and non-politicians for the past three or four decades and thanks to the efforts of the various parties and eminent individuals, the depressed classes have now come up to a position in which they can elicit the sympathy of the other sections of the community to the extent of making them help them in the matter of entry into temples.

"Sir, that the depressed classes, although denied the right of entering the temples, have been very patient all these years is not new to the public. But one thing is certain, Sir. If the depressed classes themselves had not made this a big issue, it was because they were quite cognizant of the fact that there were other material things about which they should concern themselves, including their political power and position in the governance of the country. To-day they are a power in the country by reason of the fact that they constitute a seventh of this Assembly itself. I am perfectly certain that if they had pushed forward this question of temple entry as a vital issue, they would never have come up to the position which they occupy to-day. They have political position and political equality with many other individuals and groups and this has accelerated the pace of temple entry reform. I am very glad that even the Hon. the Premier in his very early utterance after temple entry was effected in Madura said that it was a question which concerned everybody, it was a question for all Hindus and for the humanity at large. That is the spirit in which the country should take up the reform, even those gentlemen who do not see eye to eye with the sponsors of this reform. The enthusiasts for this reform should have patience and forbearance towards those who do not agree with them. It is in that spirit, I take it, that even the Hon. the Premier said that it is a matter in which one need not take any particular pride, or blame the others for differing from him. Sir, a great forward step has been taken and it has the blessings of all the political parties. It should be the earnest endeavour of all political parties and individuals to consolidate what has been done and progress further.

"It has been pointed out by my hon. Friend, Sir Pannir Selvam, who has laboured for many years in the cause of the depressed classes, that the reform that is sought to be effected by the Government is not enough That is the view which the House

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has to bear in mind with regard to the future and see that the elementary right to worship is given to all. That is the principle on which the hon. Member's criticism should be viewed. It is valid criticism. I am sure the Hon. the Prime Minister is going to agree with that principle when he replies. Nobody would regret more than myself if it is not possible to give a complete declaration of rights. The Hon. the Prime Minister may take this opportunity and give a declaration of rights. He nods his head; perhaps he means that the present Bill itself contains the declaration. Nobody will be happier than myself if the declaration of rights is given straightaway. It is one thing to pass the present measure. It is another thing to consider it on its merits. Let it be put in a fair and square manner. That is the point that has been put forward so far . . ."

MR. SPEAKER:—"The hon. the Leader of the Opposition will continue his speech to-morrow. Before adjourning the House, I should inform hon. Members that they can give notice of amendments till 2 o'clock to-morrow."

The House then adjourned to meet again at 3 p.m. the next day.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* (1) *Notification appended to G.O. No.* 2451, *Home, dated* 4*th May* 1939, *exempting from the payment of the tax leviable under the Madras Motor Vehicles Taxation Act,* 1931 (*Madras Act III of* 1931) *any chassis of a motor vehicle which is driven to any place in order that a body may be attached to it.*

(2) *Notification appended to G.O. No.* 987, *Development, dated* 17*th April* 1939, *confirming an amendment to rule XV of the rules issued under the Madras Co-operative Societies Act,* 1932.

(3) *Notification appended to G.O. No.* 1067, *Development, dated* 25*th April* 1939, *amending the Madras Commercial Crops Markets (Election) Rules,* 1935.

(4) *Notification appended to G.O. No.* 1234, *Development, dated* 10*th May* 1939, *amending the Madras Commercial Crops Markets Rules,* 1935.

(5) *G.O. No.* 135, *Finance, dated* 12*th May* 1939, *relating to the constitution of the Public Accounts Committee for the Fourth Session of the Madras Legislative Assembly.*

(6) *Notification appended to G.O. Ms. No.* 1935, *L.A., dated* 16*th May* 1939, *directing that the Chirala municipality shall be abolished with effect on and from the* 1*st June* 1939.

* Despatched by post on 19th May 1939.

(7) *Notification appended to G.O. No.* 1402, *Development, dated* 29*th May* 1939, *publishing a rule under sub-section* (1) *of section* 4 *of the Madras Commercial Crops Markets Act,* 1933 (*Madras Act* XX *of* 1933).

(8) *Notification appended to G.O. Ms. No.* 3500, *Home, dated* 27*th June* 1939, *exempting from payment of the tax leviable under the Madras Motor Vehicles Taxation Act,* 1931, *motor car C.S. No.* 1960, *belonging to Lieut. J. M. Bradley, for its use on the public roads in the Province of Madras in connexion with an A.F.* (1) *officers T.E.W.T. at Bangalore, during the period* 29*th June to* 4*th July* 1939.

(9) *Notification appended to G.O. Ms. No.* 3501, *Home, dated* 27*th June* 1939, *exempting from payment of the tax leviable under the Madras Motor Vehicles Taxation Act,* 1931 (*Madras Act III of* 1931), *the motor vehicles belonging to the persons mentioned in the notification.*

* (10) *The Madras Temple Entry Indemnity Ordinance,* 1939 (*Madras Ordinance No. I of* 1939), *indemnifying officers of Government and certain other persons in respect of acts done or omitted to be done, in respect of entry into and offer of worship in, Hindu temples by certain classes of Hindus who by custom or usage are excluded from such entry and worship.*

APPENDIX.

[Vide answer to starred question No. 16 asked by Sri G. Chelvapathi Chetti at the meeting of the Legislative Assembly held on the 3rd August 1939, page 22 supra.]

UNEMPLOYMENT ASSISTANCE.

As regards Unemployment Insurance, the proposal is to pass an enabling measure which in the light of experience gained may be gradually extended to various industries in the Province. To begin with, it is proposed to apply its provision to the best organized industry in the Province, namely, the textile industry. The scheme will be under State control and will be of a compulsory character. The following classes of workers will not be eligible to participate in the benefits of the scheme :—

(1) Those whose annual earnings exceed Rs. 960;

(2) those who are in receipt of any pension or income of the annual value of Rs. 600 or upwards which does not depend upon their personal exertion;

(3) casual or temporary workers, i.e., those who are without continuous work for a period extending over six months, including " seasonal " workers who are discharged after the period for which they are temporarily engaged, and " Short time " workers, whose work consists in working either a reduced number of hours per day, or a reduced number of days per week, or working for a period, say a week and having no work during the following week;

(4) those who are already in receipt of benefits under any other scheme, such as under the Workmen's Compensation Act, the Maternity Benefit Act, etc.;

(5) children, that is, persons who have not completed the age of 15; and

(6) those above the age of 55.

Further before a worker can claim to come under the scheme he must have subscribed to the Unemployment Insurance Fund for a period of one year. No worker will be allowed to subscribe to the fund unless he has been in employment for at least one year in an establishment covered by the Act.

The benefit will be given only to those whose unemployment is involuntary, that is to say, due to causes beyond the control of workers. This would exclude workers who voluntarily quit service, who are dismissed for misbehaviour and also those who are on strike. To be eligible for the benefit, the unemployed worker should *both* be available for work *and* capable of doing work suitable for him. He should show that he is capable of doing work of a

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kind such as he may have some reasonable opportunity of obtaining and of keeping and of performing it in the ordinary manner. This will exclude from the benefits of the scheme those workers who, as a result of sickness, accident, invalidity or old age are not able to work. Benefit will not be paid if employment is refused when offered by the prescribed authority.

In order that workers observe these conditions, they will be required to register their names with the prescribed authority and that authority will be responsible for the placement of workers. Placement shall be the responsibility of the State.

Contribution and Quantum of Benefit.—It is proposed to require every employer who may come under the scope of the Act to contribute a sum equivalent to one quarter anna for each worker employed per day and in addition to recover from the wages of the workers a like sum for contribution to a fund to be created for the purpose. The Government will be free to add to the contributions of the employers and workers with a view to strengthening the financial position of the fund. The Government will be empowered to prescribe, in the light of the financial position of the fund, a schedule of the benefits payable and the maximum period during which such benefits may be paid. The Government will also be empowered to prescribe penalties for breach of the provisions and to grant exemptions in any particular cases from any of the provisions.

With a view to assess periodically the seriousness and extent of unemployment situation in the various undertakings in the Province, employers of labour engaging more than ten persons throughout the year will be required to submit returns to the Government through the prescribed authority, giving statistics of employment and unemployment, etc.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, 4th August, 1939.

The House met in the Legislative Assembly Chamber, Fort St. George, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

THE HON. SRI C. RAJAGOPALACHARIAR:—"The answer to question 22 is contained in the answer to question 23. If permitted, I would answer questions 22 and 23 together."

MR. SPEAKER:—"Yes."

Collaboration of the work of the Central Intelligence Department with that of the Provincial Intelligence Department.

* 22 Q.—SRI G. KRISHNA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Central Criminal Intelligence Department is working independently of the Provincial Criminal Intelligence Department in the Province;

(b) whether the Provincial Government suggested to the Central Government that there should be collaboration between the two departments; and

(c) if so, what has been the response to it from the Central Government?

Intelligence officers of the Central Government in this Province.

* 23 Q.—SRI P. MADHAVAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that Intelligence Officers who are responsible only to the Governor-General are quartered in this Province;

(b) if so, how many there are altogether in the Province and how many are quartered in each town or village;

(c) whether the Madras Government have any control over them;

(d) what duties are entrusted to them; and

(e) how long since they have been employed?

THE HON. SRI C. RAJAGOPALACHARIAR:—"(a) The answer is in the affirmative.

"(b) Two gazetted officers and two non-gazetted officers of Police are employed in this Province.

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"(c) These officers are lent by this Government which otherwise has no official control over them.

"(d) Central Intelligence Officers work under the orders of the Central Government. The Central Government have legislative and executive authority over a number of subjects and the Central Intelligence Officers are intended to assist the Central Government in the administration of those subjects. The Governor-General is invested with certain responsibilities for the prevention of any grave menace to the peace and tranquillity of India and the Central Intelligence Officers have the duty of keeping him informed of any circumstances which might be useful in the exercise of this responsibility. They also assist and supplement the Provincial Intelligence organizations with which they work in close collaboration; but they are required to take particular pains not to trespass on the Provincial field.

"(e) Central Intelligence Officers have been employed since February 1936."

SRI G. KRISHNA RAO:—"May I know whether, after the advent of this Government, they have tried to have closer collaboration between the Central Government and the Provincial Government with regard to the Criminal Intelligence Department?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"As I have already stated, the Central Intelligence Officers are working in close collaboration with the Intelligence Officers of this Province, and those Officers have also been lent by this Government."

SRI G. KRISHNA RAO:—"May I know whether there is any feeling of mistrust likely to be created between the Province and the Centre and whether these two sets of officers cannot be brought closer together than they are now?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The question whether any mistrust arises between the two Governments or between the two sets of officers, is too complicated a matter to be gone into in this manner. But as regards representation, at the outset, this Government had been representing the mistaken principle involved in this arrangement."

* 24 *Q.*—Omitted.

Reasons, if any, for not posting European officers of the Forest department to the northern districts of the Presidency.

* 25 *Q.*—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) why the European officers of the Forest department are not posted to the northern districts but are confined to the area

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round Coimbatore and other southern districts in the Presidency; and

(*b*) whether it is the policy of the Government to reserve particular districts for Europeans?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" (*a*) It is not a fact that European officers are not posted to northern districts.

" (*b*) The answer is in the negative."

Legislation to stop the levy of high rates of interest by money-lenders.

* 26 *Q*.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether the Government had at any time under consideration the question of fixing interest on loans obtained on mortgage of landed properties and buildings;

(*b*) whether the Government are aware of the high rate of interest of 10 to 20 per cent charged by money-lenders in the case of agriculturists and others borrowing money on their land and mentioned in the registered deeds of hypothecation; and

(*c*) whether the Government propose to introduce legislation to stop the levy of such high rates of interest?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" (*a*) The Government have on more than one occasion considered the question of the rate of interest to be charged on secured and unsecured loans.

" (*b*) Representations have been received to this effect.

" (*c*) The attention of the hon. Member is invited to section 6-A of the Madras Debtors' Protection Act, 1934 (Madras Act VII of 1935), and to sections 12 and 13 of the Madras Agriculturists' Relief Act, 1938 (Madras Act IV of 1938). The Government have at present under consideration the question of introducing a Bill for the regulation of money-lending and for fixing the rate of interest on loans advanced by money-lenders to persons other than agriculturists."

SRI K. V. R. SWAMI:—" May I ask whether this Bill will come up before the House this year? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" It may come."

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Manufacture of power alcohol in this Province.

* 27 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have called for any report on the subject of the manufacture of power alcohol in this Province?

The Hon. Sri V. V. GIRI:—" The answer is in the affirmative."

Manufacture of certain articles in this Province on a commercial scale.

* 28 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have considered any proposal for the starting of works on a commercial scale for the manufacture of articles such as locks, hinges, bolts, nails, etc.?

The Hon. Sri V. V. GIRI:—" The answer is in the negative."

Sri K. V. R. SWAMI:—" May I know whether there is any further information to be given to this House? "

The Hon. Sri V. V. GIRI:—" There is no information to be given."

Modification of rule 35 *of the Election Rules.*

* 29 *Q.*—Sri U. MUTHURAMALINGA TEVAR: Will the Hon. the Minister for Local Administration be pleased to state with reference to the general election to the District Board of Ramnad in 1936 whether the Government have considered the necessity to modify rule 35 of the Election Rules in the light of the experience gained as to the use made of it?

The Hon. Sri B. GOPALA REDDI:—" The matter is under consideration."

Production of poverty certificates for fee concessions by students already enjoying them.

* 30 *Q.*—ABDUL HAMEED KHAN SAHIB Bahadur on behalf of H. S. Hussain Sahib Bahadur: " Will the Hon. the Minister for Education be pleased to state why the production of poverty certificate every year by the same students who are already enjoying fee concessions is insisted on under rule 92 of the Madras Educational Rules?

The Hon. Sri C. J. VARKEY:—" The Government have not issued any instruction that the production of poverty certificates should be insisted on every year for the grant of the fee concession. The matter is left to the discretion of the management."

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SRI E. KANNAN:—" May I know whether Members of the Legislature are at liberty to issue poverty certificates? "

THE HON. SRI C. J. VARKEY:—" I would refer the hon. Member to Rule 92 of the Madras Educational Rules."

MUHAMMAD ABDUR RAHMAN SAHIB BAHADUR:—" May I know if the Hon. Minister is aware that the poor pupils are put to much hardship by the local authorities? "

THE HON. SRI C. J. VARKEY:—" There is no information on the matter."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" In view of the bad feeling and experience of poor students in the matter of the unnecessary production of the certificates from year to year which is insisted on by many schools in the Province, will the Hon. Minister issue instructions to the effect that it is not the policy of the Government to insist upon the production of such certificates from year to year? "

THE HON. SRI C. J. VARKEY:—" We are not aware that private managements are insisting upon the production of the certificates. If the hon. Member can give any instance I shall take necessary action."

SRI S. NAGAPPA:—" May I know if the Hon. Minister is aware that Harijan boys are snubbed by the educational authorities? "

THE HON. SRI C. J. VARKEY:—" I do not know in what sense the word ' snub ' is used."

SRI S. NAGAPPA:—" In the sense that hardship is caused to them."

THE HON. SRI C. J. VARKEY:—" If such hardship is brought to our notice, we will take action."

SRI S. NAGAPPA:—" Will not the executive of the Government take some pains to get the correct information? "

THE HON. SRI C. J. VARKEY:—" The hon. Member might bring individual cases to the notice of the Government."

SRI S. NAGAPPA:—" Then what is the function of the Hon. Minister for Education? " (Laughter)

MR. SPEAKER:—" The supplementary question is disallowed."

SRI G. RANGIAH NAYUDU:—" May I ask whether the Government have not received complaints in this matter? "

THE HON. SRI C. J. VARKEY:—" For the last six months, not a single complaint has been received."

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Repatriation of non-Ceylonese daily-paid workers in Ceylon.

†* 30-A *Q.*—Sri G. KRISHNA RAO: Will the Hon. the Minister for Industries and Labour be pleased to state:—

(*a*) whether the Government are aware of the scheme of the Ceylon Government to repatriate the non-Ceylonese daily-paid workers there by terminating their services;

(*b*) whether the Government are aware that a large portion of such non-Ceylonese are South Indians and that there will consequently be an influx of such repatriated workers in our Province;

(*c*) whether the Government are aware that such an influx will add considerably to the number of the unemployed in our Province; and

(*d*) what the final issue of the representations made to the Government of India by the Madras Government in regard to this matter is?

Measures for the protection of the repatriated Indians in Ceylon.

†* 30-B *Q.*—Sri A. VEDARATNAM PILLAI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the Government are aware of the order of the Ceylon Government discharging all the Indians whose period of service is less than five years and who are working on daily wages; and

(*b*) if so, whether the Government propose to take any action through the Government of India in order to protect the Indian labourers?

30-A & 30-B *A.*—The Hon. Sri V. V. GIRI:—"In April 1939, the State Council of Ceylon approved of the proposals for the discharge of daily paid workers in Government employment, stated below:—

"(i) that every daily paid non-Ceylonese engaged since 1st April 1934, whose work can be done by a Ceylonese, should be given notice. The Ceylon Government will grant free travel to those under notice who return to their homes outside Ceylon, and will arrange for the *ex-gratia* payment to them in their country of origin, of a bonus.

"(ii) that other non-Ceylonese daily paid employees should be allowed, if they so wish, voluntarily to relinquish their employment in Ceylon in which case they will receive—

"A.—Free railway warrants to his home outside Ceylon for the workman, his wife and minor children, not exceeding four full tickets in all.

† Question adjourned from 3rd August 1939.

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" B—(i) To a workman who has five years' continuous service but less than ten years, a gratuity of two months' wages.

" (ii) To a workman who has ten years' continuous service but less than fifteen years, a gratuity of three months' wages.

" (iii) To a workman who has fifteen years' or more continuous service, a gratuity of one-eighteenth of a month's pay for each month of service, reduced by two per cent for each year by which his age at retirement falls short of sixty.

" The people affected by these proposals are mainly persons belonging to India, out of whom about 76 per cent belong to the Madras Presidency. The Indian workers employed in all the departments of Government number about 11,000. The proposals involve the retrenchment from 1st August 1939 of about 800 Indians taken into employment since 1st April 1934. A much larger number will be liable to be retrenched in course of time. It will be open to them till the end of December 1939 to accept voluntary retirement and quit Ceylon, or remain there at the risk of being turned out with a month's notice, without any other compensatory allowances.

" The Madras Government were, like the Central Government and people all over India, shocked by the unfair and discriminatory nature of the proposals of the Government of Ceylon and lost no time in pressing on the Government of India the urgent necessity of giving up or modifying or at least postponing giving effect to the proposals in question pending fuller examination and discussion.

" The Government of India have throughout been in full agreement with the views of the Madras Government and have made strong representations to the Ceylon Government and taken steps to draw the attention of the Secretaries of State for India and of the Colonies to this grave matter.

" Pandit Jawaharlal Nehru pleaded with great earnestness and tried to impress on the Board of Ministers in Ceylon the very unusual character of the step that they were taking. He pointed out to them that nowhere in the world except in Fascist countries are such steps taken against persons admitted into service on a system of daily wages adopted by the employers. He has further pointed out to them that the International Labour Office at Geneva has laid down definite rules governing situations such as this and that the present action of the Ceylon Government will greatly surprise the International Labour Office at Geneva. The case is all the

stronger as the Geneva Labour Office principles apply i the case of nationalities divided more widely from on another than Ceylon and India, and in regard to privat employees and should be therefore kept in view all the mor when the Government is the employer. The ten years perio and other so-called concessions recently announced by th Ceylon Government are concessions only in name.

"In spite of the representations of the Government of India and of the attempts of Pandit Jawaharlal Nehru, th Government of Ceylon have not so far given up this proposa or made any adequate modifications.

"With the concurrence of the Madras Government, th Government of India have issued a notification prohibitin the departure of all persons by sea out of British India t Ceylon for the purpose of unskilled work, unless exempte for special reasons by a special order. The Commissione of Labour, Madras, has been authorized to grant exemption from the notification in individual cases, e.g., families an dependants in India of labourers in Ceylon."

3-15 p.m. SRI G. KRISHNA RAO:—"May I know, Sir, if the labourer are coming here rapidly, and if so, what arrangements exist fo giving them immediate relief? Have the Government got an plans?"

THE HON. SRI V. V. GIRI:—"That question, Sir, has no yet arisen; when the question arises, we will look into th matter."

AN HON. MEMBER:—"May I know how many of them hav come here so far?"

THE HON. SRI V. V. GIRI:—"I cannot say definitely imme diately, Sir."

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—THE MADRAS TEMPLE ENTRY INDEMNITY BILL, 1939—*concld.*

MR. SPEAKER:—"The discussion on the motion for the con sideration of the Madras Temple Entry Indemnity Bill will nov continue. The hon. the Leader of the Opposition will continu his speech."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:— "Mr. Speaker, last evening when we rose. I was saying that al parties are interested in the emancipation of the depresse classes. With regard to the present move that has now been mad in the cause of the depressed classes, there are one or two danger which we should steer clear of; that is very essential if we ar

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really interested in the uplift of the depressed classes. I must draw pointed attention to these dangers; for I believe sincerely that in any attempt to introduce reforms which these communities deserve, we should see that the reforms are carried out in a sincere manner without disturbing the social life as far as possible. Sir, it was with great pain that I read the statement of my esteemed friend who has laboured all his life for his community, Mr. M. C. Rajah who is a distinguished member of this House. In connexion with the temple entry at Poonamallee he said, 'I hate the drama of temple entry which is being enacted now by some interested persons.' Temple entry is not to be achieved for the sake of mere advertisement, nor in the manner in which it happened at Poonamallee, which even a great enthusiast and an earnest worker for temple entry reform has condemned. It ought to be remembered that principles and methods which may be pardonable in the political field should not be applied in the religious field, and I know that some sincere enthusiasts for this temple entry reform would agree with this statement of mine. The temple entry cause would suffer a serious setback unless such exploitation is avoided.

"The second danger that has to be guarded against is that in our enthusiasm we should not do anything that may tend to hurt the feelings of others. Orthodoxy may not at all appeal to many. But convictions based upon age-long customs have to be respected. We must acknowledge that some of the persons who now vehemently oppose temple entry are doubtless estimable individuals, who have in their own way done great service to our country. Though they oppose the reform, we cannot regard them as not interested in the welfare of our country. Our earnest endeavour must be to bring them in also; otherwise, I am afraid there will still be divisions. One of the main objects of this reform is to remove the barriers between caste and caste, and I do not think we will be improving the position if in our attempt to make this reform, division is still continued or allowed to grow.

"Sir, I now come to the main attack. Reform is one thing; our enthusiasm and anxiety to help the depressed classes through this reform and our earnest desire to see that our depressed classes brethren secure the right to worship in temples—all that is one thing. But more than all that, situated as we are now, we are trying to bring about this reform through the legislative machinery. However much it may be claimed that temple entry has come about by voluntary methods, however much it may be claimed that public opinion has been growing in recent times in favour of temple entry, it cannot be gainsaid by anybody and particularly by the 215 hon. Members of this House who are assembled here to-day, that they are being asked to legislate for this purpose. Sir, they must understand that the law is being invoked. It is

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a different thing if the law were not invoked at all; then we may talk about social reform, efforts made by social reformers and by persons who have worked for many years in the cause of the depressed classes. We can then say that they have achieved so much without Government help and all that. But to-day we are being asked to consider this as a duty with which we are charged; we are being asked to consider the necessity for legislation on this question, and even before we are asked to legislate, something has been done. A Temple Entry Ordinance has been issued under the Government of India Act. No doubt hon. Members of this House have a right to express their views on the ordinance by moving a resolution in this House; and this House has got a right to modify that resolution or approve of it. That step, however, has not been taken. Several persons have strongly felt that the method of issuing an ordinance was not quite the correct method, and they wanted to protest against the issue of the ordinance by sending in resolutions. But the chance of such resolutions being passed in this House is the same as the present Bill not being passed in this House. I thought that it was not necessary to duplicate the work and take up the time of the House by unnecessarily moving a resolution on the ordinance. But at the same time, I shall ask the Hon. the Prime Minister to consider this criticism as criticism made on the method adopted by the Government in the issue of that ordinance."

MR. SPEAKER:—" A resolution would have made considerable difference."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I do realize that; but in my own judgment, I thought it was not necessary to have recourse to a resolution, since the Temple Entry Bill was coming up on the very first day of this session. There was an attempt also to move an adjournment motion; but unfortunately, the motion that was handed to you was handed in late. It was our own fault that it was not handed to you in time. Even if it had been handed in time and the Hon. the Prime Minister had accepted its coming up before the House, still, as I have already pointed out, there is no chance of its getting through the House; for I am dubious of getting leave of the House to move the adjournment motion; because unless no member objects to such leave being granted, 35 members are required to support the motion and there is no chance of that number being found; but if 35 members did stand up, then there would have been an opportunity for us to protest against the manner of the use of the ordinance powers."

MR. SPEAKER:—" Thirty-five members are required only if the Government oppose the motion; not otherwise."

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KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I have myself said, Sir, that there might have been a chance of an opportunity for discussion of the adjournment motion if the Hon. the Prime Minister had agreed to it. Anyway, I am not right in discussing that matter just now at length, because we have not given proper notice of it. That is why I asked the Hon. the Prime Minister to consider this protest as though we had protested by moving a resolution or an adjournment motion . . ."

MR. SPEAKER:—" A resolution would have given an opportunity for the House to have a straight discussion on the question of ordinance, whereas the speeches do not carry the House anywhere."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" That is your interpretation, Sir; I am at perfect liberty to have my own view in regard to this matter. I say the chance of a resolution being accepted by the House is the same as an amendment being accepted by the Hon. the Prime Minister now. I should still have achieved my object if the Hon. the Prime Minister would only accept an amendment to this measure. If he is not going to accept an amendment to this measure, then it is unlikely that he would have accepted a resolution or an adjournment motion in regard to this matter.

" Sir, when I say all this about the ordinance, my remarks should not be construed as in any manner connected with any political views. I say this definitely, that this measure has provoked considerable public resentment besides offending the feelings of the Opposition groups and of many thinking men. I know that many people shudder at the manner in which the Government have come forward with an ordinance. Hon. Members may laugh; but I will justify my statement by saying that the very same Prime Minister and the very same 162 members sitting behind him could have achieved their object without recourse to the ordinance. That is my justification, Sir, mainly, for objecting to this ordinance. I do not object to the method that is to be adopted under this Bill; but the spirit underlying the issue of the ordinance is opposed to the views of the Congress itself. And yet the Hon. the Prime Minister justifies it on two grounds, namely, that the Assembly was not in session when the temple entry at Madura took place, and also that there was an opportunity on this occasion to test whether the Governor would give effect to the advice of the Ministers.

" Regarding the second ground of his justification, I must frankly say that my feeling is that it has not been put forward seriously, knowing full well that the present Governor is a gentleman with very high parliamentary traditions and notions, and the Hon. the Prime Minister would not have . . ."

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MR. W. K. M. LANGLEY:—"On a point of order, Sir. Is the hon. Member in order in referring to the Governor?"

MR. SPEAKER:—"Of course in referring to the conduct of the Governor, he will be ruled out if he does not keep within the statute."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"My friend the Leader of the European group who occasionally claims that his group is the real opposition group, might have kept his patience for a few minutes more. Sir, I know their ideology and their spirit and we cannot identify ourselves with vested interests. I know the Leader of the European group will speak anything he likes to the United Planters' Association to please the Government. They are not the real Opposition; their opposition is curious. If it comes to the question of the sales tax affecting them, they will come to us. . ."

MR. SPEAKER:—"I suppose the quarrels between the various groups of the Opposition ought not to be a matter for discussion in the course of the debate on this Bill. The Leader of the Opposition may continue."

THE HON. SRI C. RAJAGOPALACHARIAR:—"My grievance is that I have lost the thread of the argument on a very delicate matter."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"For the further enlightenment of the Hon. the Premier I should say definitely that what Mr. Langley indulged in at a meeting of the United Planters' Association . . ."

MR. SPEAKER:—"I think that all talks about the dissensions between the various groups ought to stop here. No word will hereafter be allowed with regard to such dissensions, however trivial or serious it may be."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I think I have said enough about it.

"Now, Sir, I was not referring to the conduct of the Governor. I was saying how a Governor's constitutional . . ."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is not only adverse comments that have to be barred, but even flattering comments should be barred."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am only saying what the Prime Minister has done and I think I am entitled to criticize or characterize the actions of the Ministry. I was only saying before the interruption that 'knowing full well that the present Governor is a gentleman of very high parliamentary traditions and notions, the Hon. the Prime Minister would not have at the fag end of the tenure of office of the present Governor, thought seriously of this opportunity to further test the

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perfectly cordial relations that have so far existed between the Governor and the present Ministry.'

"Now, Sir, regarding the other ground of justification that the Assembly was not in session, it is true that the Assembly was not in session on July 8th . . ."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have not been able to follow the point. I think half the sentence was read before this disturbance and so I would like the whole thing being read again."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, the Hon. the Prime Minister justifies the ordinance on two grounds; namely, that the Assembly was not in session when the temple entry at Madura and other places took place, and that he wanted to test the agreement that the Governor would give effect to the advice of his Ministers."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not think I said that. I think the hon. Member is mixing up what I said to a crowd of politicians with what I said to the House here."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Anyway it is a report that appeared in the *Hindu;* I shall send it to the Prime Minister if he wants."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is a wholly different matter. In a political gathering an agreement with the British Government is perfectly relevant and I have dealt with it; but in the matter of this Bill it is irrelevant."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Therefore, Sir, the Hon. the Prime Minister does not deny the statement. Of course, he is entitled to speak about the manner in which the Governor's agreement could be tested . . ."

MR. SPEAKER:—"I think this House should no longer concern itself with such matters and members ought not to refer to any relationship or the testing of the relationship between the Governor and his Ministers."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I meant it in very good form."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The difficulty is this; let it not be misunderstood; there is nothing to be frightened about. The difficulty is that what I say about political and constitutional matters may be in perfectly proper form in a political gathering, but it could not be proper in a discussion on a Bill here."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether it is not open to any member of this House to quote any statement made by the Members of the Government outside?"

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MR. SPEAKER:—" Do you want a ruling on that? Such statements as are permissible will be allowed." (Laughter)

THE HON. SRI C. RAJAGOPALACHARIAR:—" May I suggest, Sir, that by way of caution you may add that even permissible statements should not be such as will induce members to go into irrelevant continuations? "

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:— " Sir, I am glad that this digression has taken place. Otherwise, I would not have the opportunity to speak on what I am going to speak in regard to section 88.

" When I was referring to the ordinance, Sir, this digression took place. We must consider the provisions under which the ordinance has been issued. It has been issued under section 88 and it has been issued, by the Governor in the exercise of his individual judgment. Individual judgment means ' on the advice of and *in consultation with Ministers.' Therefore, Sir, I am entitled* to characterize the nature of the ordinance and also the nature of the advice or its implications and the understanding between the Governor and the Ministry. Therefore, Sir, my reference to the Governor on this occasion was not about the duties cast upon him by the other sections where he is asked to exercise his discretion. But here is an act directly based upon the consultation with and advice of the Ministers. However, I shall not pursue the matter further.

" Sir, the other ground on which the Hon. the Prime Minister justifies this ordinance is that this Assembly was not in session on July 8th. But the Assembly was to meet in another three weeks. What would have been lost in waiting for another twenty days? Even if such waiting was not possible, could not the Hon. the Prime Minister have urged for the earlier summoning of the Assembly? In this connexion the Hon. the Prime Minister said that the Hon. the Speaker was away from Madras. I dare say that the convening of the Assembly is done in consultation with the Speaker and the Governor and if the Speaker was not here, the Government could have got into touch with him either by wire or by telephone, and by the time the notice is issued and hon. Members have arrived, the Speaker too would have returned to Madras even from the remotest part of India. Sir, the excuse that the Speaker was not here does not appeal to us. Therefore, it is natural that the public view with alarm the issue of the ordinance on this occasion, particularly when there was no necessity. I would go further and say that the end does not justify the means. I think they could have achieved this end without resort to this ordinance. That is my own conviction, Sir. My hon. Friend, Mr. M. C. Rajah was perfectly right in saying that if the Bill he sought permission to introduce had been allowed to go forward, there would have been no need to resort to this ordinance. That

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action was taken under section 88 of the Government of India Act, does not mitigate the position. The Prime Minister is reported to have said at Madura: 'If law is resorted to for obstructing temple-entry by Harijans, I will give you legislation in eight days.' Sir, if that report is true, is it not the display of a spirit of bravado, the use of which in dealing with such matters the Hon. the Prime Minister himself condemned . . . ?"

MR. SPEAKER:—"Legislation is not ordinance."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Even that is bravado; but that is not what I have said."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I wish on this occasion to refer to a statement made by Mr. V. V. Srinivasa Ayyangar who was for some time an eminent Judge of the High Court at Madras. He condemned the use of the ordinance in the following terms. My hon. Friend Mr. Kala Venkata Rao interrupts me by saying that I am quoting him because I have a fascination for Mr. Srinivasa Ayyangar. I do wish to say here that Mr. Srinivasa Ayyangar is really a respected person . . ."

MR. SPEAKER:—"Then he is worthy of repetition."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Coming to the point, Sir, Mr. Srinivasa Ayyangar condemned it in the following terms: 'It was a shame that the Government had to take recourse to a step the evil effects of which were sure to be felt in course of time. It was one thing for a law to be enacted now to govern the future conduct of the temple authorities; but what the Bill sought to do was to protect men who had committed an offence already. Trustees and dharmakarthas were being prevailed upon by the Government to do things which they should not do as holders of that office. And because the Government had no confidence that they could face their electors on an issue of this kind, they had sought the Governor's help for an ordinance, a matter which was against all principes of democracy.'

"Sir, Mr. V. V. Srinivasa Ayyangar did not level this criticism in an angry mood or in the upset frame of mind of a sanatanist. As a matter of fact, he is not an unfriendly critic of the Government. His averments about the great regard that he has for the present Ministry make it clear. In this connexion I may also say that even though you have limited the first working of temple-entry to Malabar, you could have subsequently made it applicable to the entire Province and thus avoided many complications without in any way affecting the manner in which you wanted to bring about temple entry.

"This much for the ordinance and the methods adopted in respect of it. Now, about the Bill itself I would like to point out the main defect in it; I shall not deal elaborately with it but

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only point out the salient facts. Sir, the Government have not indicated clearly a uniform procedure to be followed in all instances when temples have to be thrown open. Is it not because of the difficulty of justifying the Indemnity Ordinance that you do not now trumpet the virtues of your referendum? Is it not a very laboured explanation that you now offer regarding the applicability of the Malabar Temple Entry Act and the present Bill? The Bill is certainly defective in that it does not definitely lay down in which circumstances this Government will grant sanction and in which not. To avoid all political tinge and for other reasons, it is highly desirable and necessary that there should be no ambiguity or vagueness about the provisions. That is what I would urge with regard to the provisions of the present Bill before the House.

"Sir, I consider that I need not say more on this occasion about the Bill. I sincerely trust that in the new era that has been ushered in untouchability will cease to exist and it will not leave behind any bitterness."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Mr. Speaker, I think that on the whole the principle of the Bill has received what may be called support from all quarters of the House, except the European group which has put upon itself the self-denying ordinance in expressing independent and impartial opinion on this quarrel; the Muslim and the Indian Christian groups have not . . ."

MR. W. K. M. LANGLEY:—" Sir, I did not wish to interrupt the Prime Minister at this stage of the proceedings; but I think I ought to explain that we as a group still rely on the famous words expressed by Queen Victoria—I think in 1857—which we have never deviated from."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I generally understand Mr. Langley with ease; but to-day I have found some difficulty in understanding his brief statement. I take it to mean this: that he believes that Queen Victoria's Proclamation of 1857 will protect him against any interference on the part of this Government in reference to the faiths and religious practices which he respects. I do not think there is any difficulty in that matter.

" But I was referring to a different aspect of the question. I was saying that apart from the Hindu quarters of the House, if I may say so, we have received a fair amount of encouragement from the remarks that fell from the stray members who are Muslims and Indian Christians, though they did not speak on behalf of any particular community as such. I am grateful for the warm support which Mr. Rajah in particular gave to this Bill on thi... Do I not remember the hot debate that ensued ... former occasion? That is why I particularly ...er and the quality of the support which was ...s occasion. This is my first duty to perform.

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" With regard to the comments of an adverse nature with which I have to deal, let me first take up the remarks of the Leader of the Opposition. He showed a very commendable spirit of consideration and a very delicate approach was recommended by him with reference to the feelings and the opinions of those who may be called sanatanist members of the Hindu society. I greatly appreciate it on behalf of the community to which I claim also to belong. (Laughter.) It is a redeeming feature that under the new leadership of the party to which the Leader of the Opposition belongs, this delicate and considerate attitude towards the sanatanist members of the Hindu society has developed as has been vouchsafed by Mr. Muthiah Chettiyar on this occasion. May this attitude continue in all matters and in all ways and for all time! It will do us a great deal of permanent good. But to-day, it is not the Leader of the Opposition that is laying a heavy hand upon the feelings and practices of the sanatanists; but it is the Prime Minister and the Government of Madras. It is I who am on the defence and it is the Government that is on the defence and it is quite easy in a situation like that for the Hon. the Leader of the Opposition to come to the rescue of the sanatanist leaders.

" But may I point out to him that he is somewhat inconsistent? All that I can say is that if I am to carry out all that he has advised us to do, it is impossible for me at the same time to be as nice and delicate in dealing with the sanatanist leaders as he has asked us to be. We should be very grateful if only he could outline the methods to be followed in a practical way and in greater detail in dealing with the sanatanist opinion in this matter, so that we may not offend their feelings and at the same time may progress towards our objective to which he has asked us to proceed in a wholesome style.

" Dealing with that aspect of the matter in only a sentence or two, more or less in the form of a pious wish, he proceeded to devote some considerable attention to the wickedness of the Government in getting this ordinance issued. Let there be no confusion in the minds of the hon. Members of the House; the ordinance is not the method through which temple entry is sought to be achieved. The ordinance was only to cover a temporary lacuna and it is the Bill before the House and not the ordinance that seeks to achieve it, provided the conditions are fulfilled. I admit it is reasonably open to the members of the Opposition to take the opportunity of attacking the Government and comment on the ordinance.

" It was stated that the justification that I pleaded for the ordinance was not enough. Whether it is divided into (*a*), (*b*) or (*c*), the one and indisputable justification is that the House supports the measure and will support the principles of the measure; of that the Government are quite confident. At the time when action had to be taken in this regard and a measure was

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considered to be necessary, the House was not sitting and could not be expected to give its approval within the time required, for the procedure for getting the House to meet had to be gone through. Therefore, it was the duty of the Government to forestall the House and do what the House would have done had it been sitting. I do not consider that that was wrong. I not only consider that the ordinance was justifiable but I would go further and say that not having used that power of issuing ordinance to carry out the will of the House and of the nation at a time when the House itself was unable to carry it out, would have been a failure of duty. I plead that the ordinance is not only justifiable but also that it was the one and only thing that was expected of the Government under the circumstances.

"It is another matter if the argument takes this turn: 'The reformers should have waited; they should not have hastened at a time when the House was not sitting and they should not have put the Government to the necessity of issuing this ordinance.' That, I submit, is a different argument altogether. But when a reform of this nature has been effected and when we have been waiting for the independent Hindu opinion to assert itself in this matter and when it has asserted itself, then was it not the duty of the Government to do what was our duty? Should we have punished those people for technical offences? Shall we allow them to be punished or is it our duty on behalf of society to protect them? It has, however, to be remembered that no reform in the world has been achieved except by some persons who were put down at the time of that reform as law-breakers. What I have said would be understood by all members of the House if they carry their minds back to the dim past of all reforms, be it in the religious or other spheres. Having said so much, I do not think there is anything to plead by way of apology for the ordinance or for the reformers in this great matter. I plead with all the warmth that I can command that on an occasion of this nature no one should find fault with the reformers who have by their actions made a reparation for a long-standing grievance and a long-standing wrong; it is not right for people to pick holes in their conduct in a matter of this kind; nor is it open to them to find fault with the Government for coming to their support and protection.

"The voting machinery was referred to. It is of course open to them to refer jocularly to the large majority. But I have to say that we have not become a large majority for nothing; we have not become the large majority by favour; we have become a large majority by sacrifice, by hard work, by hard labour; we have become so by identifying ourselves with the people. We are in a large majority because people have faith in us; it is not merely a joke or an accident. It is not a mere mechanical composition; it is an expression of the will of the people. And if it is prepared to support the measure, if the country wants

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it, if the nation wants it, it cannot simply be explained away by saying, ' You are in a large majority and therefore you want this thing to be done.' It is something like saying, ' You are a strong man and therefore you are strong.' But the reasonable question would be, ' How are you a strong man? ' and the answer necessarily is, ' You have lived well, you have taken proper exercise, proper food at the proper time and observed the rules of health. It is on account of all that that you are strong.' I say, it is the part of a weak man to say so and try to make a virtue of weakness; it is the sick man who would say, ' I am a sick man; I cannot do it,' as if there is virtue in sickness and strength is a vice."

Sri T. T. KRISHNAMACHARIAR:—" The only thing about it is that it is misused."

* The Hon. Sri C. RAJAGOPALACHARIAR:—" A large majority is entitled to stand on its numerical strength and it would be a failure of duty for a large majority which has been asked to do a large work on the strength of that large majority not to perform that large work in a manner in which it alone could do and others could not do. That is my defence for the voting machinery as it is called. Let me correct the false impression that is only too easily spread. Let me tell the Leader of the Opposition and those who sit by him, that it is not easy to work this machinery; it is not a docile majority. The papers are full of accounts and they give a certain amount of satisfaction to the members of the Opposition that the large majority has got some friction in the large machinery and there is some creaking noise here and there. I do not grudge them that satisfaction. Even on this very Bill, are there not half a dozen opinions on this side of the House? Are there not different opinions as to how it should be done and as to what should be done? It is not a simple matter of voting machinery as the Leader of the Opposition seems to imagine. It involves hard thinking and we have a serious purpose. We have to think; we have to argue and we have to agree because work has to be done. The will of the nation, which is exhibited in the form of a large majority in the House which has been formed to represent to some extent that will, has to be expressed."

Kumararaja MUTHIAH CHETTIYAR of Chettinad:—" I am afraid my reference to the voting machinery was entirely in another connexion. If I remember aright, I said that the chances of carrying the resolution criticizing the ordinance was the same as that of getting the amendments agreed to. I said in that connexion that if the Leader of the Congress party with his majority was able to convince us on this side of the House by his arguments, I would be satisfied. I do not think that it will bear the interpretation which the Hon. the Premier is making."

* The Hon. Sri C. RAJAGOPALACHARIAR:—" I do not grudge the repetition of the point. In a way, I do say that the

Leader of the Opposition agrees with me that the only justification for the ordinance is the fact that the House would substantially support the measure in the terms in which it was brought before the House and that is exactly what the Leader of the Opposition said just now. The only justification for the ordinance is that the Bill in exactly the same terms would pass through the House; and the Government, who are working under the directions of the House, have a right to bring forward such an ordinance. Therefore, I claim that there is perfect justification for the ordinance; there is perfect justification for the Bill also and both remain the same.

"The Leader of the Opposition referred to the views of Mr. V. V. Srinivasa Ayyangar, an eminent Judge of the High Court, who was and is a very dear friend to me, a very estimable gentleman, a very cultured gentleman who has correct views on most matters. (Laughter.) But in regard to matters touching Hindu orthodoxy, he has been a consistent opponent of temple entry. Even in the matter of Hindu orthodoxy, I know, he is far more liberal than many others, but in regard to temple entry, it is not only now that he is opposing it; in fact, he has been opposing it ever since this matter was mooted by me and others from the year 1932, if not earlier. Therefore, there is nothing surprising or new in his opposition to it; but what does amuse me to some extent is the progress that he has made. In those days, his opposition was on the merits of the question; but to-day his opposition is apparently on the procedure. Sanatanism seems to be as alert in legalism as it is versed in shastraic lore. It is characteristic of the lawyer that he sticks to the decisions; he sticks to the law as it stands; he dreads any new alterations of the law and in that spirit he says, 'I do not want it; if there is to be any change, it has to be made by interpretation and not by direct alteration.' So his views do not surprise me; it is consistent with his past attitude and it is eminently consistent with his double personality, namely, a good sanatanist and a very good lawyer both combined.

"It was stated by the Leader of the Opposition that the present Bill discards the system of ascertaining opinion by voting, because the Government are anxious to get the Indemnity Bill through. I do not know if I have understood him aright. It was a very insinuating proposition that was made. I think I have understood him correctly and I have repeated it in the hope that if there was any error, the Leader of Opposition may, in his usual alert manner, stand up and correct me. He contends that the motive in discarding the method of ascertaining opinion by voting is not anything substantial or correct, but a desire to get this Indemnity Bill through. I submit it is extremely surprising that after so much opportunity for us to come together and know each other, after so much opportunity of knowing the Government's position and conviction and manner of working, the Leader of

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the Opposition imagines that in order to get this Indemnity Bill through we are giving up this good thing. But is it difficult for us to get the Indemnity Bill through? Just now the Leader of the Opposition was arguing that this voting machinery was entirely in our hands."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"It is not getting through the Indemnity Bill; it is justifying the Indemnity Bill that I was referring to. It is one thing to get through the Indemnity Bill, and it is another thing to justify the Indemnity Bill; there is difference between 'getting through' and 'justifying.'"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If the Leader of the Opposition is generous enough to impute to me my desire to justify a Bill on the basis of reason, by getting votes in the House, will he also be generous enough to attribute to me some measure of commonsense? How can I justify to the world that imputation? I cannot bamboozle the people; I cannot justify myself to the people. He is quite inconsistent in imagining—at any rate it is wrong for him to imagine—that in order to justify the Indemnity Bill votes can be got without any difficulty.

"Apart from getting votes, it is perfectly possible to add the method of ascertaining by votes; there is no difficulty in this Bill itself to add a clause that this opinion should be ascertained by the method of voting. I repeat there is absolutely no difficulty. The Leader of the Opposition is entirely wrong in his opinion. I think he has been misled by the notion that he should find some wrong reason for any step we are taking. If only he searches for good reasons he would not be put to the necessity of putting forward such patently wrong reasons. If we had admired the method of vote-taking in this country and yet not adopted it in this Bill, it is because we wanted to try a supplementary method. If we had only wanted it, we could have done it; there is no difficulty, whatsoever. The Government could easily accept some amendment proposed to be moved by some members of the Opposition in regard to that matter. There will be no inconsistency in that, whatsoever. That is not the reason for our not doing it. On the merits we oppose it; for we are simply multiplying the method that is already incorporated in the Malabar Temple Entry Act. It is because we want a supplementary method and an easier method of getting round the obstinate custom in the country, that we want to try this method also. It is not as though we are not willing to accept the principle, or as though we feel it is unworthy for that purpose. Therefore, I submit the Leader of the Opposition misled himself in trying to find a reason why we discarded the referendum. It is quite enough if the Leader of the Opposition had said, 'It is good to ascertain the opinion of the

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people by voting; please accept that method.' And it is wholly unreasonable for him to say, 'You have tried to run away from that for such and such wrong reason'."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am afraid the Leader of the House has missed the main point of my opposition. He has been throughout confining himself to minor points. What he is dealing with is not the main point of the objection at all." (Laughter.)

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I think the Leader of the Opposition is becoming an old-fashioned lawyer. (Laughter) It is not right for him to stand up in the middle of an argument, when I have hardly begun to speak, to say, 'He is not dealing with such and such matter.' I am going to deal with every matter, provided I am given time. There is no difficulty in answering objections. The Leader of the Opposition need not imagine that I have omitted any particular important matter. And, if on the other hand, the interruption means that the explanations given so far are convincing, I take it as a compliment. If what I had said so far has already convinced the Opposition, that pleases me to some extent.

"Mr. T. T. Krishnamachariar started the debate by criticising my speeches on other occasions elsewhere, while Mr. Abdul Hameed Khan elicited from you that it is open to members to refer to other speeches of hon. Members for relevant and useful purposes. We should not make the speeches as reported in the various newspapers, speeches made by various hon. Members, whether he be the Leader of the House, the mover of the Bill or other people, the main subject-matter of the debate. It has a tendency of being over-indulged in in the debate, and the debate is completely ruined on account of that. He referred to certain speeches of mine. He has not done me the justice of previously asking me, '*I am going to rely on these speeches; is there anything you would like to say?*' I do not blame him; it is not easy to do such a thing, for there is no time to do such a thing. And if we are not able to deal fairly with a matter about which something has been said partly outside the House and partly inside the House, nothing is lost if we do not deal with those speeches said outside the House, but confined ourselves to what is said here. Reporters and newspaper editors know that they cannot report speeches fully in their papers. Newspapers are not edited for the sole purpose of reproducing the speeches of particular speech-makers and lecturers; they are run for other purposes also; and so it is impossible for them to give verbatim reports. And each reporter takes his own report, takes his own picture of the thing. I know it; I have seen on many occasions direct proof of it; on more than one occasion, when I repeatedly say one thing, the reporter repeatedly writes what he has in his mind, because the two things are so

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near to each other that they can be so confused. Now, in that way, Mr. T. T. Krishnamachariar referred to a number of statements, which if they had been given to me to be seen, I could have told him exactly how the picture was, how it was fitting and what the context was. And then, Mr. Krishnamachariar would have felt no difficulty in understanding what I said here. It is a pity therefore that instead of dealing with the matter as I said here, he went to pick up reports of what I said elsewhere. Mr. T. T. Krishnamachariar should know that it is much more difficult to deal with half-truths, quarter-truths and three-fourth truths than with complete stories of untruth. This thing is plain and it is unnecessary for me to deal with that. My views are well known and my views are expressed here, and it is therefore easy to deal with them here instead of trying to take up what I was supposed to have said elsewhere.

" Mr. T. T. Krishnamachariar went on to give evidence in the matter. He said, ' I was in Madura on the same day when the Hon. Prime Minister was there; I went to the temple; I did not find a single soul there.' And he tried to prove the desertion of the temple as an argument against the step that is proposed. I wish he had taken some other time really to visit the temple and not the day when I was there, when I had called three meetings at three different places and I had insisted that I wanted to see the opinion of the people and so I wanted everybody should attend those meetings. The opponents also had arranged a meeting on the same day at the same time; I promised to attend it and they had asked all opponents to attend that meeting, as they had invited the Prime Minister to attend it and see the volume of opinion. Sanatanists and others over-indulged in their advertisement also, so much so that regulation of the meeting was impossible. And if on that occasion Mr. Krishnamachariar had gone to the temple and seen very poor attendance there, can it be taken as evidence against temple entry? I do not say it is not the right time for him to go and worship; in fact, it was *the right time for him to go* and worship as he would have been alone there; but I say it is a wrong time for taking evidence. (Laughter) As regards evidence, I say, it is not fair to take up that occasion and say, ' I saw no people, etc.' Supposing instead of trying to take evidence, he had gone round with me to see and hear what I said to the people, then perhaps he need not have gone to the papers to see what I had said and I would have no work to do just now. It would have been much nicer if he had told me, and I would have pressed him to stay on with me and I would have allowed him to go to the temple after the meetings were over. But, as it was, he chose the wrong time. If he had done the other thing I suggested, he would have had no reason to criticize me with regard to the speeches that I made at the same time in other places.

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"Even suppose there is a certain amount of desertion. I do not deny that when a great change is made there is resentment, for the change is made against the wishes of a particular people, and those people resent the change, because their wishes have been flouted. Surely, it is human nature to resent it. I would have no respect for them if they simply gulped the defeat and kept quiet without any opposition. I regard them all the more for the reason that they are fighting the battle. How can we expect non-resentment on the part of the sanatanists? I have not yet secured so much influence over these people. Therefore, nobody need be surprised if there is a certain amount of resentment and opposition; naturally reactions follow. But let us hope that these things will not go on for all time. That is the hope; and that is the reason I am trying a different method from the method of taking opinion as such. I do not say, 'Do not try to ascertain opinion by votes;' as if opinions are barred, as if votes are barred. I say, in this way also let us try in some places. Let us see whether the instinct of accepting *factum valet* has any influence on public opinion and whether public opinion cannot be brought round in this way also and not merely by persuasion as such. That is why I submit that we should follow this method. There will be more faction and more desertion if any other method is tried.

"It is true that these people who oppose this method say, 'Why not take a referendum?' They say so, but that does not mean they have influenced their own minds and they promise to behave better if once votes are taken. Can Mr. Krishnamachariar say that he can get the sanatanists in Madura who object, to agree 'provided you take the opinion of the people and votes are put in the box and the result taken by the majority of votes?' Will Mr. Natesa Ayyar agree, and others agree? Can he say so? If he made that sporting offer, I am here to accept it straightaway. He cannot; and they cannot do it. I know the sanatanists; I know the authorities they rely on. If I made that offer, it would be an insult to them; it would mean that I do not understand their difficulty; it would mean that I do not understand their reasoning; and so, it would not be right to do so. But it is open to Mr. T. T. Krishnamachariar and others who take an intermediate position to persuade the sanatanists, make them agree and get a written document from them that if such and such a thing is done, they will have no objection and there will be no opposition from the Sankaracharya mutt or the Ahobilam mutt. If that is achieved, Hinduism will
15 no longer be a closed book. I am prepared to accept it straight-
a. away if anybody gets such a statement from them. It is not for us to try to ask them to do the thing. But it is for the others to try. It is not right for the wholesale opponents to make challenges of this kind, one to the other.

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"Sir, Mr. T. T. Krishnamachariar said, 'I know how to worship in my own home; my father was an orthodox gentleman.' I have the privilege of having known him; he was orthodox; he was a perfect sanatanist; he was a learned person. I am very much pleased that he has trained his son at least to feel on behalf of the sanatanists and that he has been trained properly. He knows how to carry on his worship in his own home; his family Gods can be looked after all right by him. Well, that is the position, Sir, of all the sanatanists who object. Every one of the gentlemen who puts forward his strongest objection to a measure of this kind is in the same position, namely, that he can carry on his worship very well in his own home. They do not suffer in the least; they can well dispense with these temples, if they care. And yet they will not give these temples to those who stand very much in need of them. I hope that I won't be considered saying anything undignified if I say that the highest class people, the more philosophically trained classes among the Hindus, should not have any reason whatsoever to stand in the way of throwing open of the temple, which is, after all, a lower form of worship. Those philosophical gentlemen have not only their philosophy, but they have a perfect ceremonial which they can perform in their own homes. There is no difficulty whatsoever, no damage whatsoever to their daily practices if they open these temples to the other Hindus. If they oppose—I hope it will not be considered that I am using an insulting remark—I can only say that it is a 'dog in the manger policy.' There they are; they do not need it and yet they want to stand in the way of others who need it. It is wrong. Therefore, it is no argument for Mr. Krishnamachariar to say, 'I know how to worship; I do not care; I do not mind: but still as an impartial referee, as an umpire who is not interested in this, I can give you my opinion about this, that you are wrong.' That is not the right way to feel. It is not enough merely to see and understand. We should have the imagination to feel in the mind, in the skin of the Harijan who swears by the same Gods and same customs, who breaks the same coconuts, who follows the same rule of life and who respects the same laws and the same ideals, who speaks the same words, who goes in the same processions and who enjoys the same disorders in the processions, if I may say so. If these very people are to be kept out of the temples, who would get so much consolation, if they were allowed to go into the temples, have not we done them wrong all these years? It is not merely a question of logic, it is not merely a question of the Law of Trusts, not merely a question of the Law of Property—whether it is removable property or irremovable property, it does not matter; it is a question of our own feeling, whether we should make this reparation for the wrongs. And, therefore, it is not merely in an yielding spirit that we should analyse the proposal that is

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being made. I wish only that the sanatanists will be blessed with that imagination and they will see that there is nothing in Hinduism to prevent them from allowing this reparation. There is no doubt whatsoever about that fundamental proposition in the tenets of Hinduism and I have these quotations with me here in this connexion; I am coming to them presently.

"Mr. T. T. Krishnamachariar referred to them as if we were infringing the Law of Trusts. He made a great event of the proposal, because it was wholly opposed to the Law of Trusts and the Law of Property. I admit it is. Does Mr. Krishnamachariar not know that in the case of these temples or at least in the case of a large number of these temples the Harijans had already been offering worship? It is not as if these temples were denominational temples belonging entirely to different sects; the excluded classes did offer worship, but only at stated places and appointed times. They are not allowed inside and in a few temples they are allowed even to go inside on stated days. Therefore, it is not as if these temples belonged to one class and did not belong to another. It is only a difference of procedure that has been laid down to various classes as to how they should offer worship. In regard to this matter it is not that we seek to change and it is not as if we were handing over the temples all over to one set of people or another set of people. The immutability of trusts as a legal objection to any change in the usage of Hindu temples, is only another form of the objection which Mr. T. T. Krishnamachariar raised last night. He was putting it forward to the delight of the sanatanists. It is only another form; they say the same thing: 'Because it is written there, we cannot change it.' Mr. Krishnamachariar knows very well, I have no doubt, about that famous Church of Scotland case. The Church of Scotland case created the difficulty exactly in the same manner. What did the Legislature of England do? They simply enacted a statute to get over the decision. In the Church of Scotland case a decision was given in accordance with the Law of Trusts to hand over the entire Presbyterian Church to a minority who held on to the old creed as against a majority of the people who claimed to follow a different creed. But the Parliament had to enact laws in order to hand it back to the particular body of people who were really in the church and take it away from those few people who claimed to be the only remnants of orthodoxy in that church. Exactly the same thing is being sought to be done here. The sovereign power of the Legislature in the field, or its right to work cannot, I submit, be curbed to-day. It is wrong to imagine that because a law stands to-day in such and such a manner or the Trust Law stands to-day in such and such a manner, it is wrong to enact a measure contrary to it. It is because the law stands in that way that the sovereign power of the

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Legislature has to be invoked in order to change the wrong and to set the matter right.

"Often Mr. Krishnamachariar argued that an indemnity cannot be given except where the act committed was bona fide. That would mean that an indemnity can be given only as a superfluity. Well, in that event, Chapter IV of the Indian Penal Code would cover every conceivable case for which an indemnity could be given. It means nothing else. I submit again, just as I said before, that the sovereign power of the Legislature cannot be limited either in regard to the alteration of the property law or in regard to an indemnity. It is not as if Chapter IV of the Indian Penal Code and its counterpart in the Law of Torts cover already the ground which an Indemnity Act is to cover. That will be merely making out that all indemnity were a superfluity. The authority of the Legislature is supreme and it cannot be denied.

"Now I come to the other argument which he advanced—I think others also referred to the same argument—with reference to the giving up of the democratic method in the substance of this Bill. That is to say, this Bill gives power to the trustees and others in charge of the temples to sense public opinion, so to say, and to act with the confidence of that sense. It is said, 'That idea of sensing the public feeling, with the Executive of the Government of the Province as a sort of check on the decision of temple trustees, is not democracy. We should take the vote of the people; that is the more democratic method.' On the surface this argument looks very plausible. I submit, it is a great confusion of ideas. I am the cause of the confusion, let me plead. Because I started, not to-day, but in 1933 the idea of a 'local option Bill' for the opening of temples, it is now believed that that is the only democratic way of passing any temple entry legislation. We have passed many pieces of legislation. We have passed the 'Prohibition Act,' for instance. It is well known that everywhere Prohibition is imagined to bring with it the method of local option. Local option is said to be good for doing away with the drink evil where previously it was lawful. The method of local option was recommended by Liberals, by Mr. Gokhale and by many others for doing away with the drink evil. It does not mean that the local option method is the only democratic way of doing away with drink. I plead that I am the cause of this confusion, because, for the Malabar Temple Entry Bill I put forward a method of local option in order to get over all the difficulties and the obstructions, as the light showed me then. To-day people seem to argue that that is the only democratic way and that there is no other. This is utter confusion. Local option should not be confused with democracy. We are democratic; Government here is going through the democratic method. If we passed an Act, the

Prohibition Act, for instance, without having local option and it worked, especially without taking local option in each district, could any one say that it was not a democratic method? When the Prohibition Act was passed, did we take a mandate? I am coming to the mandate question separately. The confusion between local option and the democratic method should be brushed aside. Therefore, just as it is possible to enact Prohibition without local option, it is possible to enact temple entry without local option. It is . . ."

SRI T. T. KRISHNAMACHARIAR :—" From the sublime to the ridiculous! "

* THE HON. SRI C. RAJAGOPALACHARIAR :—" ' From the sublime to the ridiculous ' may perhaps be explained in the course of the subsequent speeches which the hon. Member may make in connexion with the amendments. I submit that it is open to a democratic Government to pass laws on the mandates they have received and on the pledges they have given to the electorate and on the public opinion that they sense, without going on each particular issue and on each particular measure to the people once again. It is one thing to argue that in a matter of this kind you ought to take local option. It is one thing to argue that in a particular matter you may follow a particular method; but it is wrong to say that the whole of democracy must say so. To say to-day in the course of the debate on this Bill, ' See the wicked Prime Minister, the wicked Congress Government carrying their Bills through, throwing to winds all principles of democracy,' I say, that is absolutely a wrong argument. Local option is quite different from democratic methods. If, on the other hand, they use a much more limited proposition, namely, in a matter of temple entry, it is desirable to adopt local option, it is not a question of throwing to the winds democratic methods. It is only a question of what is good and what is expedient. It is not a question of Congress *versus* Democracy. Therefore, I maintain that the arguments so far advanced with reference to the wickedness of this Government in introducing this measure, without regard to the principle of referendum to the voters are wrong. With regard to this, I submit I have a very good example. As a matter of fact, people who swore by Prohibition swore by local option also for a long time. What did we find? I may give an example in passing, the history of this Prohibition Act itself. A life-long colleague of mine from whom I took the office as Secretary of the Indian Prohibition League, Rev. Anderson, long before we had any ideas of office, long ago when I showed him the draft of a Bill which has now become the Prohibition Act, and which I wanted to be passed by some other Government, said, ' This is not right, we must have local option.' I said, ' No. Local option will not do for Prohibition in India. It is wholly unnecessary in India.'

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" In the same manner I say with regard to this that local option will only create difficulties. If we give it without local option it might not be misunderstood. Let this not be taken to mean that I want temples to be opened even when local opinion is not in favour of it. This method of ascertainment must be not by voting, but by explaining to the people who are in touch with them. And further let it be remembered that this is not merely a law that can be enacted and carried out; it is not enough to say so. The temples have to be carried on; the work should not stop; the worship should not be given up; priests must carry on, the trustees must carry on. Therefore, it is these people who are most intimately connected with public opinion that are in a position to understand whether the opinion is so overwhelming as to maintain the continuity of the worship and the works. They are in a position to understand the mind of particular persons and they can discover the condition of affairs better than merely a ballot box can discover. Therefore I submit that there is much superiority in this method than the other method. But it is possible that we may have to deal with particular temples or trustees in that other method also and therefore it is that I say that the one is supplementary to the other and consequently the arguments of inconsistency advanced do not really hold water.

" Sir, again let me quote authority for this that we are acting without taking the opinion of the people. That takes us to the question of the mandate. There is a slight confusion between local option and democracy and local option and mandate. Let us clear these confusions. Let us see now whether the Government are entitled to go on with a piece of legislation of this kind on the pledges of which they have come here. That would be a sound argument against the introduction of this measure. I say, as I have already said, that the Congress is pledged to the removal of untouchability root and branch. The Congress is pledged not only to the removal of untouchability in general, not only to the removal of untouchability as I said root and branch, but specifically to the removal of the bar in respect of entry into temples, because in 1932 a specific pledge was given by us on behalf of the whole of the Hindu community, and it is on that pledge that the electoral machinery was altered and accepted. It became part of the constitution of the country and therefore I say that we are bound by the pledge that we gave on the 24th September 1932. And, therefore, what one is bound by is greater than what one has promised in an election manifesto. Long before we went to the electors we had been pledged inextricably to the removal of the bar to temple entry, as we were pledged to the removal of all untouchability in whatever form it may be. We may not be able to carry it out. But we are bound to do whatever we can. It is not a performance, it is not a completed

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result that we have to show, but we have to make earnest attempts. Is it not? If we have to show *bona fide* effort in regard to temple entry according to the pledge that we gave in 1932, can I plead that I need not introduce this measure or that I need not introduce that measure for the removal of the bar in regard to temple entry? Therefore, I say that this Congress Government which is in office is not only entitled to bring in this Bill but is bound to bring in this Bill. It is another thing about the details and that is a matter for the House to decide. The principle of the Bill is what we have to consider now, whether we are entitled to bring in this measure without going to the electorate again. I say we were returned on this basis. The Congress character was thoroughly understood. Removal of untouchability, root and branch, was part of the character of the Congress and on that pledge alone were we returned to office. It is therefore wrong for Mr. T. T. Krishnamachariar or anybody else to imagine that there is no mandate for us to bring in a Bill embodying the principle that is embodied in this Bill. We are bound to bring it and let me here quote the Bombay Legislature's action in regard to this matter. In Bombay an Act has been already passed, Act XI of 1938, and hon. Members will kindly give their attention when I read the principal provision in it :

"This Act may be called the Bombay Harijan Temple Worship (Removal of Disabilities) Act.

A trustee or if there are more than one trustee, the majority of the trustees of a temple which by anything contained in the terms of the instrument of trust, the terms of dedication or a decree or order of a competent court . . . etc., or by any custom, usage or law for the time being in force, is not open for the performance of worship to any Harijan, may of his or their own motion, or on the requisition of any person having interest in such temple, notwithstanding anything contained in the terms of such instrument, the terms of the dedication, the decree or order, custom, usage or law, declare in writing that such temple shall be open to the Harijans to whom such temple was not open for the performance of worship, subject to such conditions . . "

And, a later clause says that any party may go to court upon such declaration. And what can be done in the court? The only thing that can be done in the court is this: 'Any person interested in the temple in respect of which a declaration has been published, may, within three weeks from the date of such publication, make an application to the court for the following reliefs only, viz., that the person or any of the persons purporting to act as trustees was not entitled to act as such at the time of the declaration or that the trustees making the declaration did not form a majority of the trustees of the said temple. So that, the only thing that could be contested was that the trustees were not trustees or the majority was not a majority. They could not go into the merits of the declaration or anything else. The mere declaration of the trustee is enough according to the Act that was passed in Bombay to declare that the Harijans should be entitled to go into the temple. Now, why was this done? It may be easier there.

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It may be more difficult here. That is not the point. But I say it is within the pledge on which we have come to office. It is within the mandate on which we have come to exercise power as Government. Therefore, it is wrong to argue that we have not the authority to bring in this Bill without going again to the people either directly or indirectly.

" Then, Sir, Mr. Krishna Rao followed it up apparently with a very fine argument. He read a passage from my own speech at the time of the debate on the Malabar Temple Entry Bill. ' The mandate that Mr. Krishna Rao wants is implicit in the procedure that we have got in the section dealing with it in the Malabar Temple Entry Bill.' No doubt I said so. But from this Mr. Krishna Rao argues that I have accepted once and for all the principle that a fresh mandate was necessary in order to make such legislation. That is not correct. The objection that was raised on that Bill I could easily answer. He raised the objection that it is desirable to take the opinion of the people and I said, ' Yes. The opinion of the people is implicit in the procedure as prescribed in this Bill and therefore I have answered you.' That does not mean that on another occasion I should not proceed on a different principle. I am reminded here, Sir, of a lesson that I learnt at a very early stage of my practice at the bar. I was merely watching other people's cases in court. A senior lawyer, who took care of me as a young man, told me, ' Look at that argument. That lawyer is asking for an adjournment and he has put forward twenty reasons for the adjournment. Can he have all his twenty reasons for another adjournment to-morrow? It is wrong for us to make use of such a multiplicity of reasons in order to get a single adjournment. That is not good advocacy.' That made a deep impression upon me. Do not give too many reasons for a thing for which one is enough. You may have those twenty reasons for another opportunity. (Laughter) I was strongly reminded of it when Mr. Krishna Rao was on his legs and said that at the time of the discussion of the Malabar Temple Entry Bill I agreed that we should get a mandate. I said it is there in the Malabar Temple Entry Bill and I got over it then, but now I see that he is trying to throw it upon me. I should have said, ' Well, a mandate is not necessary—point number one. But, even supposing it is necessary, it is in the Malabar Temple Entry Bill.' If I had said so, I might have been more correct. But it is not given to everybody to be so accurate and to be so far-sighted and to be so comprehensive in every little argument that he has to advance. We have to deal with things as they come and on that occasion the objection was raised and the objection was answered easily by reference to the section in the Malabar Temple Entry *Bill*. But it has no application to the points that arise in the present case.

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"Sir, the truly fundamental tenets of Hinduism are not contained in the book written for the priests or for artists or for the carpenters or for the performance of rituals. The truly fundamental tenets are contained in the Vedas and in the Upanishads. May I plead with Mr. T. T. Krishnamachariar to use his influence with the sanatanists to make them see that these are not fundamentals, that procedure is not fundamental, that the Hindu doctrine is wholly contrary and opposed to this procedure of exclusion to which they submit themselves and that they should help and not hinder? I feel, Sir, I am not without hope in this matter. The time will come when the sanatanists will feel the pressure of public opinion of this kind. Public opinion of a different kind, public opinion got by voting and the like, will not have any effect on people of that kind. But public opinion of persons like Mr. T. T. Krishnamachariar will have a strong influence over them. I have seen the effect—he may deny—but I have seen the effect of such public opinion. If Mr. T. T. Krishnamachariar goes to England, it has got a subtle influence on sanatanists. They will allow him to go. But if in Madura they are opening the temple by putting the voting paper in the ballot box, they rebel against that interference. If Mr. V. V. Srinivasa Ayyangar—it is not as if I am referring to an individual —if Mr. V. V. Srinivasa Ayyangar, Mr. T. R. Venkatarama Sastri, Mr. T. T. Krishnamachariar and all that class of people, who advise us to go step by step, with a little more conservatism and some variation from the procedure that is followed by the man who wants to take a particular step, if they will only exercise their influence, their great influence and their justifiable influence over the friends who are fundamentalists, and according to their own opinions rightly fundamentalists, I think, we can get a great deal and we are going to get a great deal.

"I appeal to Mr. T. T. Krishnamachariar in another matter. He has not taken the trouble to look into the feelings of the people who have to be admitted into the temple. He has taken a great deal of trouble to look into the feelings of people who do not want this, who object to this Bill. With the same generosity, with the same imagination, I want him to look into the feelings of the people who have to be admitted and who have hitherto been excluded. Is it right for us any longer to stand in their way when public opinion has altered? It is not right. And then what is it that we are trying to do? A custom which is opposed to the principles of Hinduism in my humble opinion, a custom which is opposed to the fundamental doctrine to which Hinduism is welded, a custom which is opposed to the welfare of society, a custom which has been converted by judge-made law into a rigid statutory piece of legislation. A man without any guilty mind, if he goes and offers worship in a temple, he is guilty of polluting the place and he is punished. Should we not do away

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with such a state of things? I submit that with a little imagination he would see the need for this legislation and the reason why I press it in spite of the irritation that it is causing to the good people, some of them my friends whom I respect a great deal. 4
It does cause irritation. Anything new, anything strange, anything against which you are ranged, does cause irritation. But I think friends should help in getting over that irritation and not merely advocate the cause of the reaction. p

"But what cut me to the quick, however, is not the argument, Sir. What cut me to the quick was the fact that it was possible for Mr. T. T. Krishnamachariar to imagine and urge that political motive was behind this Bill. If I were inclined to be blunt, if I were inclined to speak straight, if I were assured that he would not misunderstand me, I will say that this is an insult to his intelligence. Let him look round, let him see the reaction. Is this measure a thing which is popular and makes us proceed easily to political ambitions, either personal or group ambitions? Does not this measure create fear in the minds of many loyal Congressmen? Is he not aware of the feelings in many minds that this is creating too much trouble around us, that we could have postponed it, that we could have allowed it to lie like sleeping dogs, without saying, 'Let it go up.' Why should we take this new trouble courageously in hand? Was it not enough to pass the Malabar Temple Entry Act and let it go on? What is the point in all these? What is happening to this man who is proceeding from one trouble to another without waiting for the previous trouble to settle down? A large number of Congressmen feel like this and I am only surprised that a brilliant intellect like Mr. T. T. Krishnamachariar's is not able to see the difficulties we are courting. (Laughter) Instead of finding the motive, instead of finding a rational explanation for this phenomenon, viz., fairly sane people, intelligent people, men who know the world and know the problem well and know what will result from this, why should they take this up? Instead of finding a rational explanation, he has found that there is some humbug about this. (Laughter) I say it is an insult to his intelligence. It is not merely a thing that hurts me that such a motive is imputed, but I am surprised that a bright, experienced businessman is unable to think better and come to correct conclusions in a matter like this. (Laughter) It shows one thing to me very clearly that when a man is angry, the man loses the right exercise of his reasoning faculty. (Laughter) Anger ruins not only clever people's minds, but even good people's minds. One can easily understand a clever man losing his bearings on account of anger, but a good man losing his bearings is really bad. (Laughter) I think I have a satisfactory explanation. He was so angry—he *is* so angry—he was so angry that he did not see the truth. Why is there confusion for the time being? As long as the anger lasts

there is bound to be confusion of reasoning. In the sacred Gita itself you will find the saying that when a man is in anger, he will not see sound reason, and it is quite correct for all time and for all people on both sides. Nothing but anger can be the real explanation of the fact that Mr. T. T. Krishnamachariar really imagines that a political motive should have been the motive for me to think of a measure like this. I am not a fool. It is not as if I do not know the difficulties that we have to face. It is not as if we do not know the problems that are involved, the feelings that are aroused and the amount of difficulty that will gather round. I know them and quite vividly I have imagined them. All our enemies, even distant groups, may combine together over sanatanism; even unbelievers for the time being, say, 'We have already been considerate towards sanatanists.' (Laughter) All kinds of people are being brought together. In the old books on state-craft in Sanskrit as well as in Tamil you will find it stated 'Let the aggrieved make friends with your enemy's enemy.' It is therefore a truth that your enemy's enemy is a potential friend for you. Therefore I know that all groups can combine. *It is not as if I am not unaware of the difficulties.*

" Sir, it is not for political advantage that a thing of this kind can be conceived or proposed or insisted upon. It is only a man who is reckless of political consequences that can propose this measure. It is only a man who is so convinced that it is the right thing to do, that this should be done, come what may, that can propose this measure. This is really what is behind this measure and not political motive. It is all right and it is easy for people to urge and to say that this and that is a political stunt. We must have reason and the intellectual vision to see that there are some things to which motives can be attributed and there are some things that cannot be explained away like that. It is a measure which no one who has had political experience would take up in the present state of things as the present Government is constituted, if they had not been deeply convinced of the correctness of the measure and if they also had not at the same time a reckless disregard of the consequences with regard to politics.

" That is all that I wish to say for what was said by Mr. Krishnamachariar in fairly harsh terms. I do not wish to emphasize the question of manner or propriety of words. I did not hear properly over the phone, though this House is more closely sitting; I have difficulty in understanding the articulation of Mr. Krishnamachariar. To say 'Machiavellian', 'sinister', etc., may be parliamentary in one context and may be very unparliamentary in another context. 'Machiavellian' means clever and dishonest. If it is said of A or B, it is unparliamentary; but if it is said of a measure, it is parliamentary. That is the peculiar use of it. I do not mind it at all as I have already said. Here is

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a most irritating measure. It angers some people and they must be allowed to use the language which they want to use. It is not right to stand in their way. Did not Mr. M. C. Rajah use strong language during the debate on the Malabar Temple Entry Bill? I say that he was entitled to use this language and even stronger language because we have done grave wrong. So also now Mr. Krishnamachariar is very upset and he is entitled to use strong words. I do not mind; I have got used to stronger words. I was very pleased that Mr. N. S. Varadachari on this side of the House immediately withdrew the slightly improper phraseology that he attempted to use in regard to Mr. Krishna Rao. I am more zealous of the propriety on this side than what we have received from the other side. (Laughter) I am sure Mr. Varadachari never intended to say anything derogatory of Mr. Krishna Rao; he could have well said and he could have well used the word 'position' and said that he talked of the deterioration of the position and run off with a parliamentary phrase and could have escaped parliamentarily. No such thing should be said one way or the other. Gentlemen who objected strongly to this measure are entitled to use strong language. I ask that every one should accept that on this side. That is the only way of preventing them from doing worse. (Laughter.) We must allow the safety valve of language if we want to pass laws, uncomfortable laws, which are irritating and which are opposed by them sincerely.

"Sir, talking of political profit and political advantage, I should like to draw the attention of Mr. Krishna Rao to a few things that have happened before this. Does he not know that during the time when the Congress that is now in office here was engaged in the Non-co-operation movement and in the Civil Disobedience movement, and when many of our colleagues and ourselves were in prison, when Mahatmaji entered a fast suddenly over this issue because the Secretary of State issued an order about separate electorates, and at that time in between the two periods of imprisonment when we were faced with a problem and after getting over that crisis, I was engaged in lobbying in the Central Assembly over the Temple Entry Bill? When the Civil Disobedience was on and when you, Mr. Speaker, were in prison and when others were in prison, I was lobbying in the Central Assembly over the Temple Entry Bill. And this was considered an outrage by many Congressmen. Many friends and colleagues of mine found fault with me at private meetings and said, 'What are you doing? You have been elected temporary President of the Congress for the occasion and you are doing this thing here instead of being in politics. Why are you doing it?' I had to explain. It does not matter now what explanation I gave. The relevancy is different and so I do not want to give that explanation. Then Pandit Jawaharlal Nehru wrote when he was in prison a sentence or two on the same subject and it is produced in his Autobiography. I

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have no doubt that being a popular book, it has been read by Mr. Krishnamachariar. He can read there to-day absolute condemnation of me for being involved in this temple entry business. (Mr. Speaker: 'Or for lobbying in the *Legislature?*' For lobbying in the Legislature, Sir. I have already explained that this kind of work does not advance the political prospects of our group and I also say it does not advance the political case of your humble servant—myself—and I had to explain and defend myself for being interested in this matter. It is not necessary for me to go into the reasons for it. In fact Mahatma Gandhi found fault with me saying, 'You have been instructed by me to do this. Why didn't you say this straightaway to those people?' I felt proud that I stood on my own reasons. I need not stand on the instructions of Mahatmaji as my justification. That is my position. Mr. Krishnamachariar has done me grave wrong in imagining that I did not enjoy freedom to-day and that I am being forced by this or that outside circumstance to carry this Bill through. I am labouring this point because it was asked yesterday directly or indirectly why I should press this measure through like this if I had not been hustled by some outside force. He said it was impossible for him to understand why I was forced by some outside body. To-day I am grateful to all my colleagues. They give me any amount of freedom I like. Let not Mr. Krishnamachariar think I was hustled by force. It is because I am deeply convinced that this is the right thing to do and that it is belated, it is because I am convinced that this method is likely to achieve the object without ransacking the mind, that I put this measure now and in this form.

"I know there is another great fundamental doctrine of conduct in Hinduism, a fundamental attitude in Hinduism that when a thing takes place by the will of God or by the will of the king or by the will of the people as a whole, you should submit to it. That is an essential sanatanic principle that stands for peace and progress in Hinduism. That will come into play if hon. Members here and outside will carry this measure through to success, not only here but also in operation." (Cheers.)

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

* SRI T. T. KRISHNAMACHARIAR:—" Sir, I move—

'Add *the following proviso to clause* 2:—

" *Provided that he or they shall have acted in respect of such acts, steps or alleged failure of duty on the advice*

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or with the concurrence or under the orders of the Provincial Government or of the Hindu Religious Endowments Board ".' .

" Sir, the object of this amendment is to afford protection to such of those officers of Government or trustees of temples who seek indemnity under this Act as have previously taken permission from some authority, whether it is the Provincial Government or the Hindu Religious Endowments Board. It may be surprising, Sir, to this House that, after all that has been said in the past one and a half hours, I should still persist in an amendment of this sort. I do feel, Sir, that all these people that take the law into their own hands, for however good a purpose it might be, if they have not got for that particular act sanction by some responsible person or authority, should not be protected by any indemnity passed subsequently.

" My objection to the general principle of indemnity and to the protection afforded to the parties who, under the ordinary law of the land, are liable to prosecution, I already made clear yesterday. I should perhaps not have pressed this matter if an explanation for that or a reply to that had been vouchsafed by the mover of the Bill. Nothing like that was vouchsafed. I do think that this safeguard must be attached to this clause. The proviso must be there for such officers that seek or claim indemnity. They should satisfy the authorities that they have previously obtained permission of somebody above them and it should not be that they can act of their own sweet will and pleasure."

SRI G. KRISHNA RAO :—" I second the amendment."

MR. SPEAKER :—" Do you want to make a speech? "

SRI G. KRISHNA RAO :—" There is no need for that."

THE HON. SRI C. RAJAGOPALACHARIAR :—" Sir, I submit that this proposal would cut at the root of the whole of the indemnity that is proposed. As a matter of fact, Mr. Krishnamachariar may not be aware perhaps of the steps taken by the Religious Endowments Board and the Government in this matter. As soon as the Malabar Temple Entry Bill was passed, a line of action was followed deliberately and all authorities were requested to get into touch with the important people in each locality to see whether this reform could be brought about without taking votes and by agreement and by persuasion. This was in October A circular was sent round to that effect and all temples throughout the Province and practically all trustees got this. Some of them took interest in it and some did not. This was going on and it received encouragement in certain quarters and it received discouragement in certain quarters. Now, this thing that has happened in Madura we should help; and, if it is agreed upon that we should welcome this, I submit that the proviso that has

been proposed cannot be accepted. We should really oppose it without any qualification. That is the reason, Sir, why I cannot accept the amendment. I would ask the House to reject it."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 3.

MR. SPEAKER:—" As Mr. Karant has withdrawn all his amendments, Mr. T. T. Krishnamachariar may move his amendment to this clause."

*SRI T. T. KRISHNAMACHARIAR:—" Mr. Speaker, I move the following amendment standing in my name:—

' Substitute *the following* for *clause* 3 *and* re-number *the subsequent clauses*:—

" 3. (1) *On receipt by the trustees of a temple of a requisition in writing signed by not less than fifty persons requesting them to throw open the temple to persons belonging to excluded classes, the trustees shall forward the requisition to the Provincial Government and the Provincial Government shall thereupon direct the trustees to refer the matter to the voters, who for the purposes of this Act shall be the same as defined in the Malabar Temple Entry Act,* 1938 (*Madras Act XX of* 1938), *and ascertain their opinion by votes taken by the prescribed method.*

(2) *Where on such reference the result is found by a majority of the votes to be in favour of throwing the temple open to persons belonging to excluded classes, the trustees shall publish in the prescribed manner an order to the effect that the temple shall thereafter be open to persons belonging to excluded classes.*

4. (1) *Notwithstanding any law, custom or usage to the contrary, it shall be open to the trustees of a temple to publish in the prescribed manner a notice to the effect that they propose to make an order throwing the temple open to persons belonging to excluded classes. Such notice shall also state that objections to the proposal may be preferred to the trustees at any time within one month from the date of the publication of the notice.*

(2) *If within one month from the date of the publication of the notice referred to in sub-section* (1), *written objections to the proposal are preferred by not less than fifty voters, the same shall be forwarded to the Provincial Government, and thereafter, on a direction from them, the question whether the temple shall or shall not be*

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thrown open to persons belonging to excluded classes shall be referred for the opinion of the voters as if a requisition had been received under sub-section (1) of section 3.

(3) *If in any case where action under sub-section (1) is taken by the trustees, no objection as specified in sub-section (2) is preferred, or if on a reference made under sub-section (2), the result is found to be in favour of throwing the temple open to persons belonging to excluded classes, the trustees shall publish in the prescribed manner an order to the effect that the temple shall thereafter be open to persons belonging to excluded classes.*

5. *Where on a reference made to the voters under sub-section (1) of section 3 or sub-section (2) of section 4 the result is found to be in favour of throwing a temple open to persons belonging to excluded classes, the trustees of any other temple situated in the same revenue taluk, within two years from the date of such reference, may of their own motion and shall on receipt of a requisition in writing signed by not less than fifty voters, publish in the prescribed manner an order to the effect that the temple shall be open to persons belonging to excluded classes.*

6. *Where an order has been published under sub-section (2) of section 3, or sub-section (3) of section 4 or section 5, it shall be lawful, notwithstanding any custom or usage to the contrary, for any person belonging to excluded classes to enter the temple concerned and participate in worship therein.*

7. *Where on a reference made to the voters under sub-section (1) of section 3 or sub-section (2) of section 4, the result is found to be against throwing the temple open to persons belonging to excluded classes, no further proceedings shall be taken either under sub-section (1) of section 3 or under sub-section (1) of section 4 for a period of two years from the date of such reference in respect of such temple or any other temple in the same revenue taluk.*" '

" Sir, the amendment I have now proposed is substantially taken from the Malabar Temple Entry Act to which the House accorded support in December last. The idea behind this amendment has been sufficiently canvassed on both sides. In a sense it has been an advantage to know the mind of the Government, partly because one can expect what will be the result of the amendment and partly because you know how to answer the points that will be raised over again when the amendment is moved. As

a matter of fact, the Hon. the Premier charged those who support a procedure like the one suggested in the amendments that are now proposed, with confusion of ideas. Well, it is a matter of opinion. After all there is no finality in a matter like this so long as one brain differs from another. It may be that I support this particular amendment; it may be that the distinguished people whose names the Hon. the Premier mentioned—Mr. T. R. Venkatarama Sastri and Mr. V. V. Srinivasa Ayyangar—support this amendment. But I may say that I do not know the latter gentleman's mind myself. But the Premier seems to know it. It may be that in this category would come a more distinguished person than all these: a very revered gentleman of this Province, Sir P. S. Sivaswami Ayyar. He has written in a communication to the papers that he prefers the method adopted to ascertain public opinion in the Malabar Temple Entry Act to the method now proposed in the Bill before us. Sir, the weight of authority, the weight of opinion of people who in the past commanded respect, is of no account in these days. Democracy is functioning here. And Democracy is no respector of persons. The popular vote, the majority vote is the only thing that counts. To that extent a parody though it may be, this Legislature, being a democratic body, is subject to all the evils concomitant with a democracy functioning. I need not elaborate on the utility of the democratic method, but let me lay stress on one point which the Hon. the Premier mentioned, namely, confusion of ideas. I do not think there has been any confusion of ideas in a man like myself, not accustomed to addressing political meetings, not having to satisfy one's followers and not accustomed to propounding new theories in politics. That is all for the politicians who get up on the platforms and address large gatherings day in and day out. I am not one such. I have no confusion whatsoever in my mind. I am only a private Member of the Legislature intent on finding out a way which would be acceptable to the majority of public opinion which does not, I think, approve of the present Bill.

·15 "Well, I sought guidance from the Hon. Premier himself—
m. his own handiwork, foundations for which, I suppose, were laid in those days, the days when the grim fight was resorted in 1932. The Bill that he drafted, the Bill that he justified with such vigour in November 1938. I sought guidance from that Bill. And it is that guidance, the light I received from that Bill, that I seek to persuade the House to incorporate in the present Bill. Confusion of ideas with regard to what is right and what is wrong, I am afraid, rests on the other side of the House. I do not think it is right for me to go over all the arguments advanced. I hope my articulation is clear. I shall have an opportunity of speaking about it a little later, I expect.

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"Sir, there is a gap, a gap which even a clever man, an extraordinarily clever man—we are throwing compliments to each other—like the Hon. the Premier cannot fail to see, the gap between December 1938 and August 1939. I ask categorically, Sir, 'Why was the method changed? What practical considerations were there to change the method?' Again no answer. I therefore still adhere to the belief that there were no practical considerations, no weighty arguments to be advanced as to why the method should be changed. The Hon. the Premier thinks that he could shift from a method that he has prescribed, from a panacea that he thought till recently was an adequate one for dealing with this problem, the canker that is in our system which I am as eager to remove as the Hon. Premier is. He has not told us why that departure should be made. Perhaps illumination will come later on. Sir, still we have not been convinced that a departure has been made for specific reasons. Well, I have to persist in moving an amendment, in sticking to an idea which he himself taught me, which the House approved, which people outside approved, people in whose opinion I have the greatest confidence. That some Sanatanists and other people who hold an intermediate view have changed in these eight months, changed in a direction which I think is correct, which generally people think is correct, should be considered a compliment to the Hon. Premier himself that they have agreed to this method. But why does the Premier change? That has to be explained. What happened between December 1938 and August 1939 is not explained. What situation has arisen for us to depart from his method he has not explained.

"Sir, as I am moving an amendment to substitute clause 3 let me take clause 3 itself which is now before the House for examination. The Hon. the Premier himself is moving a minor amendment here and there. But I do feel that clause 3 is not a proper method for solving it. I would give a silent vote, not speak, not support, but keep quiet and record a silent vote, if it is proposed that all temples should be thrown open to untouchables without any condition. It would be legitimate for the Premier to say 'I had changed my mind in the last seven months. I do not feel that I need consult public opinion.' No matter how he ascertains it, whether by the ascertained method of a vote or by a devious method—just sensing it, depending upon the sixth sense of the trustee—if he had said 'I feel the country is fit for this plunge. I feel I am strong enough to defy opposition right or wrong.' I for one should not suggest an alternative. I say that if the decision is irrevocably taken by this Government it will stand responsible for that. Instead of these shilly-shally methods of ascertaining public opinion, they can say, 'Well, we have been elected on a pledge to remove untouchability, and we have tried many

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methods. We found that the time is coming when we-shall have to render accounts to those people who have sent us here. It is not fair for us to go without fulfilling those pledges, and we have to take time by the forelock and justify our election pledges; and here I am throwing the temples open irrespective of popular opinion.' That will be a straight method, Sir, it will be a manly method. It wants no anger to condemn a method like the one outlined in this clause. Because it looks so silly. After the lesson that I have received on parliamentary language I shall refrain from saying anything like that about a person. I say it is the method that is silly, not the person. I still persist in my faith in the method prescribed in December 1938 by the Hon. Premier himself. I will tell the House, Sir, that he has advanced no arguments to convince us that that method was tried and failed. Has it been tried? Have the Government tried it? If progress has been made all round, I feel I have been static. I am where I was on the first of December 1938. I go and take a tape and get myself measured and I find myself having the same height, and even the same weight. Other people may have moved. But still what has happened in the course of your movement? What development in your brain has taken place or shall I put it in that crude, coarse way that I put the other day, 'What inner call from divinity, if you are in touch with it?' I do not know whether you are in touch with it; I do not know whether divinity exists. Why don't you tell us exactly how the change has come? There is no explanation come so far. The gap is there and has to be bridged.

"Sir, let me again go to one other point. This, Sir, this Malabar Temple Entry method, his own creature, his own child, which has grown eight months now, is compared to local option in regard to Prohibition. I would ask the Members of this House, to recollect what the Government, what the Hon. the Premier, said when speaking about Prohibition: 'The liquor revenue, the money got from liquor is tainted.' This is something which is absolutely despicable and you want to compare liquor trade with the temples. That is why I said 'from the sublime to the ridiculous.' I should call it blasphemy if I were a Christian. But I am not. A Hindu mind tolerates many lapses. If local option was as ineffective as it was stated to be why did you try local option for Malabar? I do not import any new idea. And I take my stand on your own creation. He says that is wrong. Has he improved in politics, or shall I say perhaps irrelevantly, has his political education progressed rapidly since last December? We are in the dark.

"So, I press my motion again, Sir. I think that that is the proper method and when I say that is the proper method there is no use asking me, 'Will you go to the Sanatanists and ask

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them if they will agree to a measure as amended? ' I do not represent the Sanatanists. If I had done so during the passing of the Malabar Temple Entry Bill, I could have got an encomium from the Premier. I fully share the opinion that the untouchables should be admitted into the temples. But this method should not be adopted. Even to-day I will tell you again that so far as I am concerned, if you at one stroke of the pen, as it was done in Travancore, admit not merely Hindus, but all people professing Hindu religious faith though they might have been born in different religions, I promise the Hon. the Premier that I will not raise a voice of protest. I will keep mum. I may not agree with him. There is something in that method. There is some rationale in it.

" Again there is another matter. He says two methods are open side by side. For a person of extraordinary clarity in exposition as the Hon. the Premier is, it is rather a bit thick. The Malabar Temple Entry Act refers only to Malabar. This Bill will also apply to the Malabar district and the Malabar Act will also be in operation there. So in Malabar you have two methods, which he has repeated—he repeated it at the time of the introduction of the Bill, he has repeated it to-day. I see no provision for an alternative in the rest of the Province for Government deciding which is the proper method. I would rather wish that the Government will decide of their own accord, will notify that in a particular district all temples should be thrown open; or the Government would depend upon the Revenue Divisional Officers for advice. I am willing to abide by it. Personally, this trustee business is rather difficult to agree. Because I think the trustee is a man who lives on temples and any pious Hindu, brought up in orthodox ways feels that living on temples is fairly contemptible. It is perhaps a superstition. You cannot call a man contemptible merely because of his particular way of living. But that is not the point. I will give power to the Revenue Divisional Officer. I will not give power to the trustee. You say that the alternative exists somewhere. Where does it exist? It does not seem to exist elsewhere except in the district of Malabar.

" Sir, there is no point in taking the time of the House any longer on this point. I do feel that this is an entirely inappropriate analogy in regard to local option in the matter of Prohibition and local option in the matter of temple entry and is highly unfortunate. Nor do I feel that the arguments advanced were sound because he had himself devised the method of local option. I feel personally convinced that that is the right method. Or the alternative is only one. The alternative is not clause 3 of the Bill. Throw open the temples of the whole Province. I shall keep mum. I shall not raise a discordant voice if that is done. I think, Sir, that I have advanced sufficiently convincing arguments to ask the House to support this amendment."

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* SRI G. KRISHNA RAO:—"Sir, I rise to support this amendment moved by Mr. T. T. Krishnamachari, and in doing so I should say I was surprised to hear the Hon. Mover say he felt sorry for giving reasons. As a matter of fact, when this Bill was on the anvil—and it was before the Legislature last time—it was I who started the idea of mandate. The Prime Minister said, 'It is implied in the Bill; even if you pass the Bill you will not be realizing it unless the people give the mandate.' I think, Sir, this Government, in bringing about a weighty reform like this, as I have said yesterday, the removal of untouchability, must go upon some principle. And nobody has ever felt sorry for giving reasons. Now he says, 'I am sorry I gave that reason to you; I ought not to have given that reason. I should have given some other reason so that it could not be brought back again to me.' I can say with all the sincerity at my command that I am not bringing in this point to put the Hon. Premier in an awkward position. Even though I am in Opposition, I have been following a clear line of action and I want to go on that principle. If you want to go on the principle enunciated in December last, what is the cause, what is the valid reason for your changing the principle that you enunciated in December last? As a matter of fact you are advocating no principle at all. You say, 'There need not be a mandate; we must depend upon the mind of the trustee; the clairvoyance—happily said the sixth sense of the trustee—or some such intangible power of the trustee.' They are not people born with peculiarly gifted mentality and with peculiar tastes. They are not like Dalai Lamas who have some miraculous intuition so that people can obey their orders quite implicitly as they do in Tibet. I do feel that our trustees may not be such peculiar trustees as the Dalai Lamas and may not have such peculiar mental propensities so that they could influence the people with their ideas and also be able to give assurance to the Government that they have the popular will behind them. Even the *Hindu*, a very important paper, has said that some kind of machinery should be there to enable the trustees to act on sound and proper lines. What guarantee is there to show that a trustee will be able to do a thing and has done a thing with the will of the worshippers? Mr. Satyamurti said in one of his speeches very recently that the deciding factor must be the popular will. I think the Hon. Premier must have heard what he said. He said, 'I have got the support of Gandhiji also for this.' Well, I can tell the other side that if I am deteriorating, I am deteriorating in good company—I do not feel ashamed in that, especially when such illustrious people take the same view as myself. I am extremely sorry, when I was saying something in favour of a sound principle, that an hon. Member from the Government Benches should have thought it fit to call me deteriorating. I say that deterioration is on the other side. At any rate I felt so, because you talked of a certain principle in December last and you do not give that principle even a sporting chance. Was it put

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into operation in Malabar? Where the method you adopt is not put to popular test, you stifle that method and adopt another method without following any principle at all and without any care whatsoever for the popular opinion. Of course the Hon. the Premier can very well say, 'whatever you may call it, I have got a right to change my method and I find it more easy and I find that that is the proper method.' Well, it may be his personal opinion. He said once, 'I do not fear anything; I did not even say that I had the instruction from Gandhiji when I was lobbying in the Central Assembly in support of the Temple Entry Bill which was then being introduced there.' Well, Sir, we feel that there is too much of personal obsession and personal element in this matter. So that what I submit is that the great principle that he once enunciated has been given up, without giving it any sporting chance. Great minds are agreed on that principle and it is better to depend upon the popular will. The principle of finding out the popular will by means of vote is not at all contrary to any democratic principle and so I wholeheartedly support the amendment that clause 3 of the Bill be substituted by the clause proposed by my hon. Friend, Mr. T. T. Krishnamachariar."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am looking round for this reason that if any one wants to participate in this debate he may do so now . . ."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"If we do not participate in the debate now, does it prevent us from so doing when other amendments are moved?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"This amendment is with reference to a substantial clause . . ."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"That does not preclude us from speaking on other amendments."

MR. SPEAKER:—"Yes. But this is a substantial amendment in the whole Bill. If anybody wants to participate in the debate, this is the best opportunity. Finding there is none, I shall ask the Hon. Premier to reply."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"The chief point that is involved in this amendment is whether we should go back to the principle of taking the opinion of the local people, who are eligible to vote, according to the scheme of the Malabar Temple Entry Act or accept the principle proposed by the Government in this Bill. This has been more or less thrashed out in the previous arguments. It seems to me that this is the proper occasion for a detailed examination of the question. The argument that we are trying to do away with the ascertainment of public opinion is not correct. That argument is based on a wrong assumption. The ascertainment of public opinion is essential in both the Malabar Temple Entry Act as well as this

Bill. The only difference is whether it should be ascertained by votes or by personal contact of the trustee with the people. It is one thing to say that this is not a satisfactory way of ascertaining public opinion and it is quite another thing to say that suddenly since last year we have given up our respect for public opinion. Mr. T. T. Krishnamachari was arguing on that basis and proceeded to say 'I shall give my silent vote either for or against; I shall not even vote if necessary; if you have got a proposition to be brought forward before the House, you may simply do so and carry it through without going and asking for anybody else's opinion.' I submit that is not the attitude which is represented in this Bill. Rightly or wrongly we say that the ascertainment of public opinion had better be done by the trustee sensing the public opinion around him. Let him intimate the result of ascertainment of that public opinion to the Government and get it checked by officers of Government who would be able to ascertain the public opinion in an informal manner. That is the only difference between this Bill and the other Bill. It is an exaggeration and over-statement of the case if the Opposition had suggested that the procedure adopted by the Government in this Bill is neglecting public opinion or disregarding public opinion. All that they can legitimately say is that the procedure adopted now is not a satisfactory democratic way of ascertaining public opinion."

Sri G. KRISHNA RAO:—"On a point of information, Sir. Will depending upon one man ever be a safe guide?"

* The Hon. Sri C. RAJAGOPALACHARIAR:—"It is only an argument to show that this is not a satisfactory method of ascertaining public opinion.

"Sir, I submit that this is the most satisfactory method in view of the nature of the thing. Let me illustrate my position. Supposing the procedure of ascertaining public opinion is by means of votes, we will have to find out whether there is a majority of 51, taking the total number of votes to be 100; we will have to find out what are the number of ballot papers that could be dropped in the ballot box; and we will also have to find out what the exact majority is—sometimes it may be more and sometimes it may be less. All these details are not enough to enable you to arrive at the correct figure. Supposing you fix the figure by adopting the 'Rule of Thumb' and say 'Let us fix 70 or 80 as the majority number', even then there will be difficulties. As a man of affairs I may say, in dealing with human feelings and conditions, I do not think we can carry out our plans merely by a mathematical formula. I consider, in such circumstances, it is better to find out public opinion in an informal manner than by exciting public feelings over the issue. It is this point that I plead in favour of the method that has been adopted in the present Bill.

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" Then the argument of inconsistency has been advanced. It is said, 'You yourself said in December last that you would extend the Malabar Temple Entry Bill to other districts if it was found to be successfully working there, and why do you adopt another method now?' I say the two methods can work side by side; the two methods can supplement each other; and by adopting the two methods we can find out ultimately which is the safer method and which could be more successfully worked. I think there is no harm whatsoever in doing so.

" Let me now go to the point which Mr. T. T. Krishnamachari deprecated. He says that a comparison between the Prohibition Bill and this Bill is wrong. In the course of his argument he said, that because of the tainted money which we were deriving as excise revenue we decided that we must once for all give up that revenue and therefore adopted a policy of Prohibition, but no such thing existed here and so there is no comparison at all between the Prohibition Bill and this Bill. He has wholly misunderstood the position. It is not so simple as he seems to have thought. I submit that untouchability is not a lesser sin than drink. If drink is bad, and if the money that is derived as revenue from drink is classed as tainted money, untouchability is equally bad and equally tainted. Therefore if we compare the two, does it mean that we are descending from the sublime to the ridiculous? Untouchability is as bad as drink and it must be removed.

" Then my friend Mr. Krishnamachariar came forward with another argument and said, 'if you have got the courage, you can issue a *fiat* once for all with regard to the law of untouchability; why all this farce of consulting public opinion and so forth; and I shall see you in trouble.' That sort of argument is not fair. We condemn both the things, viz., drink as well as untouchability. Untouchability is even a greater crime than drink. If we can value very valuable things like that, we may not be able to strike at the exact comparison, but still both are very great evils. The removal of untouchability is as important as the removal of the drink evil. But we know the difficulties that we have to meet with in regard to untouchability. Therefore it is not possible to accept the simple argument which my friend Mr. T. T. Krishnamachari has put forward as a challenge. At the same time it does not mean that we are going to the other extreme because we do not accept the argument put forward by him, viz., that we must issue a general *fiat*. He said 'you are going here and there as if you really want to take public opinion into account.' For ascertaining the real and genuine public opinion it is necessary to ascertain the opinion in various places and in various ways.

"Sir, there is another difficulty in applying the scheme of Malabar to other places. In certain places the trustees may be able to express their views with regard to this question and their views can be checked. The Hindu opinion can be gauged more easily and the obstinate orthodox opinion can be gauged more easily by adopting this method than by allowing an election campaign to start with. That is why we have decided that from place to place the position must be changed. We want to take every weapon into our armoury.

"I do not think there is anything further to be said in this connexion. I have said enough on this subject. It is necessary that we should be honest; we are honestly doing something. If the prognostications of Mr. T. T. Krishnamachari and Mr. Krishna Rao prove true and we are not able to do anything in this, there is nothing lost. This is an honest attempt to make a reform in a religious spirit. Let us go on therefore in this way or in any other way. I will not, however, ask Mr. Krishnamachari whether his amendment cannot be given up. I have no courage to ask that. However, I submit that the House should not accept that amendment because it affects the fundamental principle of the Bill."

The amendment was put and lost.

SRI T. T. KRISHNAMACHARIAR:—"Sir, I beg to move the following amendment:—

> '*In line* 4, for *the words* "*not opposed to*" substitute *the word* "*for*".'

"I think, Sir, this is a matter which stands explained by itself and no speech is necessary."

(Rao Bahadur Sir A. T. Pannir Selvam rose to second the amendment.)

MR. SPEAKER:—"The *amendment* drops for want of a seconder."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I have seconded the amendment."

SRI T. T. KRISHNAMACHARIAR:—"Not quite so unprotected as that, Sir."

MR. SPEAKER:—"Sir Pannir Selvam has come to the rescue. I suppose no reply is needed."

THE HON. SRI C. RAJAGOPALACHARIAR:—"No, Sir."

The amendment was put and lost.

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THE HON. SRI C. RAJAGOPALACHARIAR:—"I beg to move the following amendment:—

'*In lines* 11 *and* 12, for *the words* "*permit persons belonging to such classes*" substitute *the words* "*thereafter persons belonging to such classes shall have the right*".'

Sir, I submit that this is in answer to the points which were raised by Sir Pannir Selvam and by other hon. Members. There is a feeling that what we have done is not enough to create a positive right in the worshipper and that what we give is merely a kind of licence. It is not correct to say so, because what we give is a right. When a temple is thrown open and when a person is permitted to worship therein, any one restraining him in his act would be committing an act of wrongful restraint or would be using criminal force. Anyhow, in order that there may be no point of doubt about it, I have moved this amendment. The last portion of the clause as now amended will read like this:

'. . . throw open the temple to such classes and thereafter persons belonging to such classes shall have the right to enter into and offer worship in such temple:'"

The amendment was put and carried.

Clause 3 as amended was put and carried.

Clause 4 was put and carried.

Clause 5.

* SRI T. T. KRISHNAMACHARIAR:—"Sir, I move the following alternative amendment standing in my name:—

'Add *the following proviso to clause* 5:—

"*Provided that in all suits, applications, prosecutions or other proceedings in respect of the acts, steps or alleged failure of duty mentioned in clause* (2) *instituted or taken prior to the commencement of the Madras Ordinance No.* 1 *of* 1939, *the plaintiff applicant, complainant, or other person initiating the said proceedings shall, notwithstanding anything contained in clause* (2), *be entitled to recover all his costs and expenses up to such date in respect of the said suits applications, prosecutions and other proceedings from the Provincial Government*".'

Sir, this is a bare piece of justice. It has nothing to do with the text of the Act. It has nothing to do with the enthusiasm for temple entry on the part of the Government or the lack of enthusiasm on the part of those opposing this Bill. It is bare justice. Somebody has rightly or wrongly, according to the law of the land at the time, initiated proceedings. The Government

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think that the proceedings should be stopped although there has been a perfectly *bona fide* ground for instituting them. For one thing, I should like the Hon. the Premier to forget that he has had anything to do with Harijan Temple entry, that he has had anything to do with addressing the Temple-entry Conference in Madura—that is the report I have got from the papers—that he has anything to do with Sri Vaidyanatha Ayyar who was his host. I would ask him to forget everything about this and view the thing solely as the Premier of Madras, as an administrator having nothing to do with the parties concerned. Sir, here is an obvious injustice done. Some persons rushed to court, probably foolishly, but they had a perfectly valid case when they went there. And for reasons best known to the Government, for reasons of public policy—I should characterize it as that, because as a matter of fact, as a student of constitutional law and politics I do not associate the Government with humanitarian feelings; I only look at it . . ."

MR. SPEAKER:—" Any Government? "

* SRI T. T. KRISHNAMACHARIAR:—" Any Government as such, any Government in the abstract has no humanitarian feelings. But here for reasons of public policy the Government have decided to stop the proceedings and they have stopped them. The parties have gone, incurred expense in the *bona fide* idea that they would get justice. It may be that they have been cantankerous, but the law has permitted them to go to that extent. The Government have changed the law without notice; they have not told them before they went to court that there would be this Ordinance No. 1 of 1939. This high-sounding ordinance was not there then, nor was there any notice. Somebody has got to pay the costs and it is the duty of the Provincial Government, having interfered with the course of justice and denied the satisfaction that the party will get, if not in terms of money at least in the abstract, to pay the costs. It is only fair that they should do so. I want the Government of the Prime Minister to forget everything connected with this Bill, either the antecedent circumstances or what is going to happen in the future, and look at it from the point of view of justice. The Government can afford to pay; it is not an individual who is asked to pay. The Government have interfered in a particular matter on the ground of public policy. We ask for compensation from other Governments when they do us an injury. Why should not our Government set an example here and pay the party concerned reasonable costs which can be assessed? Sir, I commend the amendment to the House."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—" I second it."

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*THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, this is to be judged differently from a plea before the court for costs. This is a plea to the Legislature that the Legislature should order the Executive Government to bear the costs of these people. So that the question is one of a plea before the Legislature whether it was right for these people to have proceeded with these suits. I do claim, Sir, that these gentlemen were not right in going to the courts with such suits and prosecutions in the interval. As a matter of fact, I can imagine certain circumstances in which they could have gone to the courts and then I would not have rejected a plea made on these lines. But in the present case the Government see no reason to accept a provision of this kind."

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6.

*THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, there is this amendment that the words ' Authorization and ' may be inserted after the words ' Madras Temple Entry.' I think we may take this later on as it is merely a consequential amendment. We shall now take the Schedule."

MR. SPEAKER:—" Yes."

Schedule.

THE HON. SRI C. RAJAGOPALACHARIAR:—" I beg to move the following amendment to the Schedue:—

' Renumber *items* 4 *to* 6 *as items* 5 *to* 7 *respectively and* insert *the following as item* 4:—

" 4. *Sri Kalamegaperumal temple, Tirumohur, Madura taluk, Madura district.*" '

I have moved this amendment because this is one of the important temples which had been opened previous to these proceedings."

The amendment was put and carried.

The Schedule as amended was put and carried.

SRI T. T. KRISHNAMACHARIAR:—" I suggest, Sir, that we may take the amendment to the Long Title first and the amendments to clauses 1 and 6 afterwards."

THE HON. SRI C. RAJAGOPALACHARIAR:—" The alteration in the Long Title may possibly be considered to be the basis and the alterations in clauses 1 and 6 may be considered to be consequential."

MR. SPEAKER:—" There is no objection."

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Long Title.

THE HON. SRI C. RAJAGOPALACHARIAR:—" I beg to move the following amendment:—

'*In the Long Title* for *the expression* " *A Bill to indemnify officers of Government and certain other persons in respect of acts done or omitted to be done* " substitute *the words* " *A Bill to authorize and indemnify trustees, officers and other persons* ".'

The only change worth noticing is the introduction of the word ' authorize '. It follows from the language we have adopted in section 3 as well as elsewhere that we are creating a right. It is perhaps more suitable to have the word ' authorize ' besides the word ' indemnify '. "

The amendment was put and carried.

The Long Title as amended was put and carried.

Clause 1 (1).

THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, I move:—

'*After the words* " *Madras Temple Entry* " insert *the words* " *Authorization and* ".'

" This is a consequential amendment."

The amendment was put and carried.

Clause 1 as amended was put and carried.

Clause 6.

THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, I beg to move the following amendment:—

'*After the words* " *Madras Temple Entry* " insert " *Authorization and* ".' "

The amendment was put and carried.

Clause 6 as amended was put and carried.

Preamble.

* SRI T. T. KRISHNAMACHARIAR:—" Mr. Speaker, Sir, I move the following amendment standing in my name:—

' Substitute *the following* for *paragraph* 1 *of the Preamble*:—

" *Whereas the Government are of the opinion that the disabilities imposed by custom and usage on certain classes of Hindus in respect of their entry into and offering worship in Hindu temples should be removed.*" '

The present preamble as it is, which I seek to amend, refers to the growing volume of public opinion demanding the removal of

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the disabilities imposed by custom and usage. Public opinion has always been there. The Hon. the Premier told us that public opinion on this matter was crystallized in September 1932. My hon. and gallant Friend, Sir Pannir Selvam tells me that it was there as early as 1918. It may be that it is more than 21 years old. I think the provocation for this Bill is not, in my opinion, so much the precipitation and growth and volume of public opinion and the evidence in this matter has not been measured by any known yard stick. I think it is better to follow the conventional title. The Government taking the initiative, 'in the opinion of the Government' seems more suitable. Why bring in public opinion? It is difficult to ascertain it; it is difficult to sense it.

"This seems to be the more appropriate method. Why not follow the conventional style, or continue to follow it in a matter like this? On an amendment like this, the subject-matter of any speech made by the mover of the amendment can be enlarged; that I propose to reserve for the third reading. I do think Government will have to make a case definitely for giving up the conventional style and for depending upon a nebulous thing like public opinion. Why should they not take the responsibility? I say it may be the draftsman's mistake; he may not have intended it wilfully; I am extremely charitable; I do not want to impute motives where they do not exist. Why should we not stick to the conventional form? The Government are taking responsibility; the Government are bringing forward the measure. Do not bring public opinion which you cannot test. Has there been any election tested on the basis of this? Has anything been proved definitely? Has public opinion increased so much as to justify bringing in a Bill of such universal application? So far as we are concerned, it is not so. The right thing to do is to adopt a different preamble, the one that I have suggested. I commend my proposition to the House."

*RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Mr. Speaker, I second the amendment. If this amendment serves no other purpose, I hope it will at least be of use for eliciting information from the Hon. the Premier about the circumstances that led up to the opening of the temples at Madura and at Tanjore and other places. During the course of his speech yesterday afternoon, the hon. Member for the South Indian Chamber of Commerce made a rather serious allegation that the trustees and the executive officers have acted under orders from above. He made other statements based on what has appeared in newspapers, which statements were stated by the Hon. Premier to be unfounded. We look forward to a reply from the Premier on this matter. We expect to have information detailing thoroughly the circumstances and incidents which led one thing to another, till this innovation

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from an age-long custom was effected. The Hon. the Premier kept us spell-bound with his eloquence and arguments for an hour and a half. He dealt with the remarks of my hon. Friend, Mr. Krishnamachari, well nigh for an hour. I was eagerly waiting for a reply on this point, only to be disappointed.

"As was stated by the Hon. the Premier himself yesterday, the law as it stands to-day or rather as it stood before the promulgation of the ordinance, was that no member of the excluded communities shall enter the temple without exposing himself to legal action either in a civil court or a criminal court. That was the law based on custom, a law which has been sanctified by decisions of High Courts even as far back as the days of Sir T. Muthuswami Ayyar. As the Hon. the Prime Minister himself said, it is a bad law, in my opinion also, based on a very wrong custom—a custom which is prejudicial to the interests of the nation, a custom which keeps one section and a considerable section of humanity down under control. It is a law which ought to be repealed; but it is the law and as long as it stood on the statute book, it ought to be obeyed not only by the general run of people but also enforced by the Government. It should be respected and obeyed without question or cavil by officers subordinate to the Government. Now the Executive Officer of the Madura Temple is a subordinate, I presume, of the Government, if not directly at least indirectly. He is a creature of the Religious Endowments Board and the Endowments Board is a creature of the Government and his future as an officer, as an executive officer of the temple is in the hands of the Government. He violates what is admittedly law on the particular occasion on which he takes these untouchables into the temple. Yesterday, my hon. Friend, Mr. Krishnamachari gave us a very vivid description of the physical appearance of the Executive Officer, his moustache, etc. I admit he has an indomitable appearance physically. I know him for well over 30 years since our school days in England. Mr. R. S. Nayudu, if he is severe in his external appearance, he is also severe with his principles in the discharge of his duties, in the observance of the rules which are laid down for his conduct. I make bold to state that he would be the last person in the world to make any the least attempt to violate any rules or regulations or the existing law, unless he had been so ordered or at least made aware that such violation would not be treated as a breach. It may be also that he acted on his own responsibility. I should like to have information on that and as to how this thing came to pass.

"About taking the people into the temple itself, it was stated yesterday by some hon. Members that there was a political motive behind this move. With much indignation the Hon. the Premier refuted this allegation. In view of the fact that he himself

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stated that it was a plighted word of his political party, the Congress Party, given seven years ago, that it was an election pledge and that they must carry it out,— a political party carries out its promise— where is the wrong, I ask in attributing a political motive and suspecting that the Government are not making this reform on altruistic motives? It may be a certain kind of manœuvring stratagem for people to believe that you are elevating the condition of the depressed classes. The knowledge that we have about some of the persons who have played a prominent part in this temple-entry business, is certainly sufficient justification for our doubts. I have in mind a particular individual who has got the most unsavoury reputation in the district to which he belongs; he has a longstanding feud with his pannaiyals about house-sites and there has been consequent deprivation of the miserable huts and the wretched hovels in which these depressed classes were living. Their houses caught fire and the victims of this fire openly alleged that this particular individual was responsible for these things. Consequent on these happenings, there has been security proceedings in courts implicating this gentleman."

The Hon. Sri C. RAJAGOPALACHARIAR:—"I have not the slightest information to whom the hon. Member is referring to. I wish to raise a point of order whether this is relevant and proper."

Mr. SPEAKER:—"I do not think it is proper. The particular individual is not here and cannot defend himself; so many things are being said of him."

* Rao Bahadur Sir A. T. PANNIR SELVAM:—"I am not 6
referring to any one by name, Sir."

The Hon. Sri C. RAJAGOPALACHARIAR:—"If there is no indication as to who he is, there is no argument at all. It is simply a general abuse of somebody, some imaginary figure."

* Rao Bahadur Sir A. T. PANNIR SELVAM:—"If I am driven to the necessity of giving names, I am prepared to do so."

Mr. SPEAKER:—"I do not think comments upon private individuals who have no chance of defending themselves here, comments upon their character and all that, are in order. I think this House should allow it."

The Hon. Sri C. RAJAGOPALACHARIAR:—"It is absolutely irrelevant, Sir."

Mr. SPEAKER:—"Apart from irrelevancy, no gentleman will be safe if members of the Legislature take it into their heads to comment on his life or quasi-public life."

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* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"My justification for the statement is the statement of the gentleman himself in the witness-box."

MR. SPEAKER:—"But we have not got all the material; nothing is before the House, and that is not the subject-matter before the House. Private individuals must be protected by the House in such comments; it is a serious comment upon that individual whoever he may be. I think the hon. Member may proceed with the rest of his arguments."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I refer to it only with a view to show this: if a gentleman one day acts in this way and on another day comes forward as a champion of the depressed classes, how can we possibly refrain from saying that he has done nothing for the amelioration of the condition of the depressed classes but has done everything for forwarding other objects by putting himself forward as the champion or the promoter of the interests of the depressed classes?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It would be proper and relevant if hon. Members speak and dissect the actions of the Government Members, and there will be then some relevancy and we are here to defend ourselves; but simply to make allegations of a general nature and on that ground to say that the Bill is bad, I do not think it is correct."

MR. SPEAKER:—"I think the hon. Member has changed the aspect. He said, 'there are persons who change their views from time to time and therefore, how can we depend upon them?' It is not with regard to any particular individual that he says that, but generally. He has now changed his argument. There is nothing wrong in it."

* RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Well, Sir, if under these circumstances we say that this action of the Government is not being prompted by the best of motives, can it be said that we are wrong?

"And talking on the question of politics or political purposes, the Hon. the Premier in the course of his reply to the general discussion stated that even distant groups of Opposition may make common cause over this business to oppose the Government and throw it out of power. I can assure him, standing here and representing the Justice Party—not merely the party represented in the House but the party in the whole country—that over this issue, we will certainly not make common cause with the Sanatanists—I may say it openly now. If anything, we feel that this measure is not a measure which is going to help us at all. We want a straightforward Bill as Mr. Krishnamachari said. He said he would keep neutral over this Bill but I would support it, and I would wholeheartedly support any Bill brought forward which would provide

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that all the members of the excluded communities, if they profess the Hindu faith, shall have the right of admission into the temples. It is this remark, Sir, that I should like to make."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not think, Sir, it would be necessary for me or proper to follow the line which Sir Pannir Selvam has taken, in making at the most a third reading speech on this occasion. I would content myself on this occasion with saying that the proposed amendment won't be a good amendment at all. The amendment reads:

'Whereas the Government are of the opinion . . . etc.'

It would not be a proper preamble for a legislative measure at all. The present preamble is quite right as it is and there is little difference between the two things. I submit therefore that the amendment should be rejected and the original preamble as it stands should be passed."

The amendment was put and lost.

THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I move—

'*Substitute* the following *for* the second paragraph of the preamble:—

"*And whereas it is just and desirable to authorize the trustees or other authorities in charge of such temples to throw them open to, and permit, persons belonging to the said classes to enter into and offer worship in such temples, and that no person should suffer any civil or criminal penalty or disadvantage by reason of anything done in connexion with such entry and worship;*".'

This preamble, I submit, would be more in fitting with the alterations that we have allowed."

*RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Mr. Speaker, I should like to have some elucidation of the second clause of this preamble which says that no person should 'suffer any civil or criminal penalty or disadvantage by reason of anything done in connexion with such entry and worship.' Supposing a member of the depressed classes is allowed to enter into a temple and one who opposes temple-entry comes across him and there is some skull-cracking, is he or is he not liable to suffer any civil or criminal penalty?"

*THE HON. SRI C. RAJAGOPALACHARIAR:—"Of course this is only a preamble; we do not repeat in the preamble all the elaborate details contained in the clauses; the preamble is supposed to state the motive of the business; and the motive of this measure is that it is just and expedient first of all to authorize the authorities and secondly to save the persons who have

been hitherto suffering civil and criminal penalty—i.e., saving them from such penalty. I do not think, Sir, there would be any actual skull-cracking involved in connexion with this business."

The amendment was put and carried.

The preamble as amended was put and carried.

*THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, I now move—

'*that the Bill be passed into law.*'

" Sir, the procedure of taking any measure through the House in the manner prescribed by parliamentary practice generally leaves us at the end of the proceedings fairly fatigued and with a feeling that business is more important than mere general reflections. This is the reason why I wish to be very brief on this occasion. I do not hide from myself or from others the hope, if not the reality, that this is a very momentous measure. I do hope that this will prove to be of the greatest importance to the people of our country. Whatever we have had in the matter of procedure, method and so on, one thing is perfectly clear from this debate, that it has transpired in this House as the unanimous wish of every one assembled here that untouchability and this particular phase of untouchability, viz., exclusion from all Hindu temples of a certain class of Hindus, whoever he may be, should come to an end. It may be that Mr. Krishnamachari was right or Sir Pannir Selvam was right or the Leader of the Opposition was right or I was right or the Government was wrong; it does not matter so far as this proposition that I have summarized is concerned, namely, that it is the unanimous wish of this House that temples should be opened to the classes hitherto excluded therefrom.

" Another thing has emerged from it in spite of the differences of opinion on which so much emphasis was laid. It is that the Government are anxious that we should have more than one method to adopt in order to achieve this end; and that some members are even more anxious that a wholesale enactment should be passed that all temples shall here and hereby be thrown open to all classes hitherto excluded. So that it is made clear that we are not only unanimous in our goal but we are desirous of having the shortest method, if possible, available, and if there is any daring enough for the shortest period, that we must have as many methods as possible, so that we might achieve this goal. I submit, Sir, from all these points of view those who oppose the principle of this measure, have had a defeat at the hands of this House, from all parts and all groups of the House. The House is unanimous that the temple should be thrown open, and all these differences that have been brought out in procedure do not affect the main question that it is the desire of this Legislative Assembly that the

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temple should be thrown open to Harijans and others who have been hitherto excluded. I am quite aware of the numerous possibilities and vulnerabilities that have been assessed by the members of the Opposition. It is not as if I am not aware of those things; but, Sir, we are trying to do a great thing and a very difficult thing. I am aware of the difficulties; perhaps it will be too much even in the opinion of some people; there are great difficulties. Whether I am aware of it or others are aware of it or not, it is a positive fact that for long this custom is there; it is a very difficult thing to change a custom which has survived so long, and therefore it is not for private advantage, it is not for political advantage, that we should strive; and if we do that, we shall not only not win, but we shall have miserable disgrace as a consequence. It is in a religious spirit that I claim that the Government are moving in this matter; it is in a religious spirit that I claim that those who will work this measure to a success will move in this matter, and I do hope and pray in the same religious spirit that all will give their co-operation in this great effort."

* SRI T. T. KRISHNAMACHARIAR:—"Mr. Speaker, the Hon. the Premier in moving the third reading of the Bill said that we have come to the end of the matter. I think that although he may say that we have come to the end, we are very much near where we began; at any rate that is my view of the matter. But, I miss in it the solemnity which characterized the occasion when the third reading of the Malabar Temple Entry Act was passed; everybody knows that it is an important measure, including the Hon. the Prime Minister himself. The last occasion had a solemnity in it, which on the present occasion I miss. Is it due to the fact that we are now in the new premises, not quite so spacious as the Senate Hall, or is it because the atmosphere here is different? Sir, agreeably to convention and out of no desire to import into this speech of mine the acrimony that found a place—perhaps not in my speech, certainly in my opinion it was in the Premier's reply during the earlier portion of the day's debate—I miss on this occasion the solemnity which is due on an occasion like this because it is fitting and proper that such solemnity should surround it in a moment when really we are throwing open the temples to a vast body of the population, nearly 20 per cent of the people of this land, really and truly in a manner most satisfactory to all concerned and which will to-day and for all time to come solve the problem which has been agitating our minds for a long time. However, I do not feel quite so happy over it because I do not think that this object has been achieved by the passing of this Bill; nor do I feel that this Bill is being passed in an atmosphere conducive to happiness, agreement and concord. Let me tell the Hon. the Premier that there is no anger so far as I am concerned now

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or during the earlier part of the proceedings on this Bill. But it is true I am not a devotee of that school of non-violence; I have never been a satyagrahi; I have been a Philistine by profession and so how would I claim to be a satyagrahi? It has been said that a justification may be found for my first speech on this Bill on the plea that I was angry. I am unable to plead anger in extenuation of anything. I have said as I have no anger in my make-up. Time was when I used to get angry and I thought anger did me a lot of harm. One day I adopted as my motto a portion of a stanza from the *Bhagavat Gita* to which, I think the Hon. the Premier is almost a commentator. It is 'Asanthasya Karttha Sukham,' and with it any tendency to get angry disappeared. I am not of course feeling angry with any body on this matter; it is *not* a personal matter and I even told the House the other day that I did not feel aggrieved at the Harijan or the untouchable entering a temple. Of course, I might have felt indignant with the method adopted by Government, but it is not anger. When an injustice is done I feel indignant. But I have no occasion to feel angry now. I believe the method that is now followed is not a non-violent one. But there are a lot of things said about it; some characterize it as subterfuge; at any rate it is a departure from convention which need not have been imported into this matter because there is already the straightforward method open and it could have been taken advantage of by the Government, the Hon. the Premier and the Congress party. Why choose the devious path when a straight one is there? Very probably those who are musically inclined might have heard the *kriti* of Thyagaraja 'Sakkani Raju Margamu-undaka' in this connexion, which means, why do you go through the crooked lane when there is the straightforward path or Rajamargham open to you. Sir, I do feel that the manner and the auspices under which this Bill has been passed, or is to be passed, is lacking in solemnity which is proper and right it should have been imported into an occasion such as this. Probably it is my own feeling; other people might feel that the occasion is auspicious. It does not need a satyagrahi to realize that it is not true.

"Sir, there are one or two other minor points. It is considered rather indiscreet that I should have mentioned in the earlier part of the debate that this might be construed as part of a political game. It is indeed true that I said so. I stopped short of it then; I could have developed the idea and I could have developed the argument that the measure was a political stunt; and it could not have been easily controverted by the Premier. But let me assure the House, that is not a subject which is palatable to him. If I want to enlarge on an issue like that, I might have done it, whether or not there was any political idea behind a movement like this. Perhaps I might have done

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it successfully, perhaps very unsuccessfully and drawn the ire of the Premier. But, Sir, I have no desire to enter into a discussion of that sort, although it may be the desire of some others; I have no desire to be a hangman of the Congress party; I do not wish to take to that job because I do not like it; there are other people who can do that; but that is not my job.

"Sir, times without number I thought over the matter but I could never find any suitable explanation as to how all of a sudden this method should have been chosen for enacting a measure which would ordinarily commend the approval of everybody. It commanded the approval of the House on the other occasion and any logical extension of that principle must command similarly general acceptance in the House.

"There is another fact. My hon. Friend, Sir A. T. Pannir Selvam, who is not here now speaks for the Sanatanist, the Hon. the Leader of the Opposition speaks for the Sanatanist and it might be a matter which could be exploited because under different circumstances they hold different opinions; but still Sanatanists are also human beings. We ask ourselves, are we not causing hardship to these 20 per cent of our people by denying them temple entry? But at the same time there is, you should know, a large body of opinion which is opposed to it and why should we be very hard on them? Is it necessary that they should be beaten into obedience? If it is humanitarianism which you plead here for one section of the community, why should it be denied for the other, however unworthy they might be of it? After all you have not got long to wait for the opposition to vanish. I think in another 20 years all these people may perhaps disappear from this scene and it is more than likely that the next generation will fall into line with the reformers. As I have said earlier in the course of the debate, it would not be correct to say that these temples of Madura were deserted on the evening of the 30th July for the mere reason that the Premier was addressing three gatherings and another set of persons were addressing another gathering. When I accused people of being vain, when I accused the Premier of being vain, I was not far wrong. On an occasion like the one furnished by the 30th of July when he draws large crowds for his meetings, he does not draw them out wholesale, because I found shop-keepers functioning and people purchasing goods; people sitting in their pials, the railway station busy and every other business going quite as usual. After all those people that attended the meetings are not the people who go to the temples. Let me tell the Hon. Premier it might have been a long time since he visited a temple. It is quite possible. That is of course not my argument, but he did try to demolish the argument that the temple at Madura was empty when I visited it; at any rate, I take it that his knowledge of temples during the last 15 years cannot be relied upon. But that

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is by the way. Sir, I do not want to argue this point further because I feel in my heart of hearts it is not right and proper for us to speak about a community whose fate hangs in the balance as it were. I am not quite sure that this Bill is going to give them all they want, or that it is going to give them the promised land. After all let me ask the Premier, does any Government adopt a policy and stick to it all the time, even a Government of satyagrahis? Sir, there is a special Providence who is guiding every Government; it has nothing to do with satyagraha or non-violence or truth and Ahimsa; it is called the God of Expediency. Placed as you are, when you have got other considerations, administrative, political or party considerations, are you going to be free to judge irrespective of these considerations and decide which particular temple should be thrown open and at what time? Are you going to be continually asking these trustees if the public opinion in their locality has developed to such an extent as to throw open the particular temple, or is it the local political organization which is to decide this factor? I have no faith in this method. I do not believe it is the correct method. I do not believe it is even a question for direction or advice from the Government to the trustee or temple manager. After all what is the advice of the Government worth unless it be a mandate? No. I do not think this Bill is really a Magna Carta for the Harijans to enter temples. I do not think that after all it has become easy from the point of view of the Harijans themselves. It would have been different if this Bill threw open all temples straightaway without conditions as I have said before. It should not be construed when I said I will accord to such a proposal my silent vote that it was a challenge, that it was intended to embarrass the Government and so to say ask them to stew in their own juice. It is of no personal advantage to me to put the Government in difficulties, because I do not profit by it. Sir, there have been arguments and counter-arguments one way and the other. The Hon. the Premier in particular has praised one set of arguments and one person's language and condemned some others including myself, both our arguments and our language. I do not think in essence the object has been achieved by such methods. I do not think the concord which it is necessary for the carrying out of such a great and important task has been achieved, that important task of the entry for Harijans into temples. When I place myself in the position of a missionary for Harijan work I do not feel that we have done anything materially in the direction of Harijan uplift. Call it the obscurantism of the Sanatanist, it is still there; we cannot conquer it by this method. It will take time and energy. You will have to devise other methods; the legislative club will if anything retard progress and my own feeling is that we have not heard the last of this problem.

" Sir, I am quite prepared to forget all the arguments advanced against this Bill, because I was not an interested party from the

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very beginning. But for the accident of my having gone to Madura, my having found that newspaper reports were not quite correct; that the propaganda that was carried on was hardly fair; that there was another side to the story which was quite as powerful, I would never have probably intervened in the debate to-day at all. It is because of the conviction, perhaps indignation, that the proper thing was not being done, that subterfuge was adopted, that the thing was being hustled, that protection was being given where it should not have been given that I had to intervene. Sir, the two issues, namely, indemnity to those who broke the law and the opening of temples to Harijans, are altogether different; these two issues are sought to be clubbed together. One is a grand issue which should have been considered on its own merits while the other is an illegal one and it should never be passed by any reasonable House because it is a sin to go against the law merely for purposes of political administration or party expediency. I do not feel that we have heard the last of this; I do not feel that we have come to the end of this problem though I would very much like to be finished with the passage of this Bill. Any way, Sir, my good wishes for what they are worth are with the Government. I do not promise that I will go out as a missionary and convert the Sanatanists to my view; I have very little in common with them. The Hon. the Premier may perhaps be invited to a black flag demonstration but I do not feel I shall be honoured even to that extent. But all the same, the Government have my good wishes for what they are worth."

MR. SPEAKER:—" Does the hon. the Leader of the Opposition wish to say anything?"

Khan Bahadur Mahmud Schamnad Sahib Bahadur rose in his seat.

MR. SPEAKER:—" Yes, Mr. Schamnad."

* KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" If I intervene in this debate on this occasion, I need not be understood that I am against the spirit of the measure. Let me say here and now that I am not against the throwing open of the temples to the Harijans. I may say at once that I am not speaking now on behalf of the group to which I belong. I do not also think that this Bill was introduced with any political motive behind it.

" The Hon. the Premier's reference to the promise he made in 1932 to open the temples to the Harijans reminds me of the famous declaration, the Balfour Declaration, by which the Jews were promised a national home in the Holy land. How could he give that promise? Had he any right to make a gift of the Holy land like that? Was it within his gift? But he did promise it and in spite of the attempts of the British Government to fulfil that promise, they have not been able to deliver the goods, though

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they have not hesitated to use forceps and other dreadful instruments for the purpose. I wonder if it is not a similar case here also. The Hon. the Premier and others have promised to open the temple to the Harijans, that is to say, he has promised to Harijans to throw open the temples which did not belong to them. Having once promised to do it, as a reformer, it is his duty to try hard and spare no efforts to carry it out; but my fear is that he is not in that position now. He has power now in his hands. He is the Leader of the House and he is the Premier of the Province. Having such a vast majority behind him, he can as much destroy by legislation the rights enjoyed by people as he can create new rights. He quoted an instance in England where by an enactment, the rights which a minority had been enjoying for a long time was extinguished and given to a reformist majority party. He is in such a position now. He said that this Legislature had sovereign powers. Yes; it has. So he can create rights to any people to enter any temples, be they Christian temples, Muhammadan temples or Jain temples. But what I have to contend is that even though the Legislature has sovereign rights, it does not mean that the right of a man to his private property should be interfered with like that; it does not mean that private temples, in other words, should be invaded. I am in full agreement with the Hon. the Premier in the principle that all public temples should be thrown to all people who wish to worship there and I have no objection even if it is a Christian temple or a Muslim temple. I will fully support that position. But according to the Bill, as now presented, there is a very serious lacuna and I am indeed wondering if it is intentional or otherwise that the word 'temples' has not been defined in the Bill. According to me, when you say that the temples have to be thrown open to all, it only applies to public temples and in such a case, we would have to find out how these temples came into existence, who founded them and for what purpose and for whose benefit; if it is a temple founded for the benefit of the public, then I shall have no quarrel with the principle that they should be thrown open. It is a serious defect that we do not find the definition of a temple here; and I submit it is not right in such a case to depend upon the definitions in the General Clauses Act for the definition. I contend that a definition is quite necessary here. I find that there is an amendment given notice of by Mr. Karant; but I fear it does not go far.

"The other defect is that 'Hindu religion' has not been defined. Am I not a Hindu? In Arabia, we are called Hindis and even within India I have seen that term being defined as including the Sikhs, the Jains and the Buddhists. Have they a right to enter these temples? You may say that there it is a different religion. There should be nothing indefinite or indeterminate in the wording or intention of legislation and therefore I contend that

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the terms 'Hindu religion' and the 'Hindu' also should have been defined. I could understand it if the religion was called the Vedic religion."

Mr. SPEAKER:—"The hon. Member is passing into a very controversial matter."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"My intention, Mr. Speaker, was only to point out that the words should have been clearly defined; otherwise . . ."

Mr. SPEAKER:—"I fear this is not the stage at which such a discussion is permissible."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"This being the third reading stage, I thought I could traverse this ground also."

Mr. SPEAKER:—"No, no."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"I hope, at any rate that proper care would be taken that private temples are not interfered with. I hope that care will be taken to see that it is enforced only in the case of public temples which are intended for the benefit of the public. I would have been very glad if the other amendment of Mr. Karant . . ."

Mr. SPEAKER:—"But they have been withdrawn by Mr. Karant himself."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"I would much rather like that all temples should have been thrown open to all people without any distinction; I would have willingly supported that proposition."

Mr. SPEAKER:—"Temples, mosques and churches?"

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Everything. I cannot understand why people are making so much fuss about all these things. My temple is in my heart; my heaven and my hell are here and if people understand it, there is no need to quarrel about all these things. Private rights should not be extinguished or jeopardised without proper care being taken to safeguard such rights. I think, however, that this is a proper measure; only it ought to have been done with proper definitions and its principles should have been extended still further."

* Sri N. M. R. SUBBARAMAN:—"அக்ராசனாதிபதியவர்களே, இப்பொழுது கொண்டுவரப்பட்டிருக்கிற ஆலயப் பிரவேசப் பாதுகாப்புச் சட்டத்தை இந்த மாகாணம் பூராவும், முக்கியமாக தமிழ் நாடும் மதுரை நகரமும், பூரணமாக ஆதரிக்கிறது. அஸெம்பிளியிலுள்ள எல்லாக் கக்ஷியினரும் இதை ஆதரிக்கின்றதைப்பார்த்து மிகவும் சந்தோஷமடைகிறேன். இச்சட்டம் பொது மக்களுடைய பூரண ஆதரவில்லாமலும் அவசரப்பட்டும் கொண்டுவந்ததாக இன்னும் சிலபேருக்கு ஒரு சந்தேகமிருக்கிறது. ஆனால் ஹரிஜன இயக்கத்தைப்பற்றியும் ஆலயப்பிரவேச இயக்கத்தைப்பற்றியும்

பூரண சரித்திரம் தெரியும்பக்ஷத்தில் இவ்விதமான சந்தேகம் இருக்காது. இந்த இயக்கம் 20 வருஷத்துக்குமுன் ஆரம்பிக்கப்பட்டது. முக்கியமாக மகாத்மா காந்திஜீ உண்ணாவிரதமிருந்தபோது அதிகமான பலம்பெற்று நடத்தப்பட்டது. மதுரை இவ்விஷயத்தில் ஒரு விசேஷ அக்கரை எடுத்துக் கொண்டுவந்திருக்கிறது மகாத்மாஜியுடைய உயிரைக் காப்பாற்றுவதற்காக தேசம் பூராவும் இப்படி ஒரு பெரிய விழிப்பு ஏற்பட்டது. அப்பொழுதே மதுரையில் உடனே கோவில்களைத் திறந்துவிடவேண்டுமென்று தீவிர முயற்சிகள் எடுத்துக்கொள்ளப்பட்டன. ஜனங்களிடத்தில் இந்த விஷயத்தை பற்றிப் பிரசாரம் செய்து அவர்களுடைய அபிப்பிராயம் கேட்கப்பட்டது. அவ்விதம் கேட்கப்பட்டதில் நூற்றுக்கு 80 பேர் ஆலயங்களைத்திறந்து விடலாமென்று அபிப்பிராயம் கொடுத்தார்கள். அதுமட்டுமல்ல, அதன் பிற்பாடு Trusteeகள் எலெக்ஷன் நடந்தது. இப்பொழுது கோவில்களின் நிருவாகத்திற்கு Executive officers இருக்கிறார்கள். ஆனால் அப்பொழுது Trusteeகள் இருந்து காரியங்களை நடத்திக்கொண்டு வந்தார்கள். இந்த Trusteeகள் ஜனங்களிடத்திலே ஓட்டுப்பெற்று வரவேண்டும். இங்கு நாம் பிரதிநிதிகளாய் வந்திருக்கிறவர்கள், ஓட்டுப்பெற்று வந்திருக்கிறமாதிரி அந்த Trusteeகளும் ஜனங்களிடத்தில் ஓட்டுப்பெற்று வரவேண்டும். அவ்விதம் ஓட்டுப்பெறவேண்டிய காலம் அதாவது எலெக்ஷன் வந்த சமயத்தில் யார் யார் ஆலயப்பிரவேசத்திற்கு ஆதரவாயிருந்தார்களோ அவர்கள் தான் தேர்ந்தெடுக்கப்பட்டார்கள். மொத்தமிருந்த 6 மெம்பர்களிலே 6 பேர்களும் ஆலயப்பிரவேசத்திற்கு அனுகூலமாக இருந்தவர்கள்தான் தேர்ந்தெடுக்கப்பட்டார்கள். அப்படியல்லாம் மதுரை நகரம் இந்த ஆலயப்பிரவேசத்திற்குச் சாதகமாயிருந்ததென்பதை தெரிவித்துக்கொள்ளுகிறேன். அதன்பின் ஆலயப்பிரவேச விஷயம் பலமாக நடக்காவிட்டாலும் கூட ஹரிஜன முன்னேற்ற விஷயமாகப் பல துறைகளில் முன்னேற்ற வேலைகள் நடந்தன. இந்தப் புது சீர்திருத்தத்திற்குப்பிறகு தேர்தல் நடந்தவுடன் முக்கியமாக மந்திரிகள் மதுரைக்கு வந்த சமயத்தில் ஒவ்வொரு பொதுக்கூட்டங்களிலும் மந்திரிகளிடத்திலே ஆலயப்பிரவேச சம்பந்தமாக எப்பொழுது சட்டம் கொண்டுவரப்போகிறீர்களென்று கேட்டுக் கொண்டிருந்தார்கள். கனம் டாக்டர் ராஜன், கனம் டாக்டர் சுப்பராயன் முதலிய மந்திரிகள் வந்த சமயத்தில் எல்லாம் பொதுக்கூட்டத்திலுள்ள ஜனங்கள் ஆலயப்பிரவேசம் எப்பொழுது கொண்டுவரப்போகிறீர்களென்று கேட்டுக்கொண்டிருந்தார்கள். நமக்கு ஏதோ கொஞ்சம் உரிமை கிடைத்தவுடனே ஆலயப்பிரவேசம் உள்பட சகல உரிமையும் ஹரிஜனங்களுக்குக் கொடுக்கப்போகிறோமென்ற நம்பிக்கை ஜனங்களிடம் இருந்தது. அது தவிர முனிசிபல் கவுன்சில் சாதாரணமாகப் பொது ஜனங்களுடைய அபிப்பிராயத்தைத் தெரிவிக்கக்கூடிய சபை. அப்படிப்பட்ட முனிசிபல் கவுன்சில் கடந்த 4 வருஷமாக இந்த சீர்திருத்தத்தை விரைவில் செய்யவேண்டுமென்று 2, 3 தடவை தீர்மானம்பண்ணிற்று. இந்த ஆலயப்பிரவேசம் ஏற்பட்டவுடனே அதை ஆதரித்து இன்னொரு தீர்மானமும் செய்திருக்கிறது. திருவாங்கூரிலே ஆலயப்பிரவேசம் ஏற்பட்டபிறகு முக்கியமாக தமிழ்நாட்டிலே ஒரு தைரியம் ஏற்பட்டது. இந்த சீர்திருத்தம் ஏற்பட்டால் தேசத்தில் எதாவது குழப்பமோ கலகமோ உண்டாகிவிடுமோவென்ற சந்தேகமிருந்தது. ஆனால் திருவாங்கூரில் ஏற்பட்ட பிரகடனத்திற்குப் பிறகு நம்பிக்கை வந்ததும் திருவாங்கூர் நிலைமையை நேரில் போய்ப் பார்க்கவேண்டுமென்ற விருப்பத்தினால் தமிழ்நாட்டிலிருந்து வைத்தியநாதய்யர் அவர்கள் தலைமையில் 50 பேர் ஹரிஜனங்களும் மற்றவர்களும் திருவாங்கூர் போய் வந்தார்கள். திருவாங்கூரில் அவர்கள் கண்ட காக்ஷி நிலைமை அவர்களுக்குப் புது தைரியத்தைக் கொடுத்தது. அங்கே ஆலயப்பிரவேசம் ஏற்பட்ட பிறகு தீண்டாமை யென்பதே இல்லாமல் போய்விட்டது. கிணறு, குளம், தெரு, பள்ளிக்கூடம் இவைகளில் இருந்த தீண்டாமையும் பூராவும் நீங்கி விட்டது. ஹரிஜனங்களை ஆலயத்திற்குள் விட்டபிறகு எந்தவிதமான மாறுதலும் அந்தக் கோவில்கள் அடையவில்லை. முன்பு எந்தெந்த ஜாதியார்கள் வந்துகொண்டிருந்தார்களோ அதேவிதமாக பிராம்மணர் முதற்

கொண்டு அனைவரும் கோவில்களில் வந்துகொண்டிருந்தார்கள். அந்த நிலைமையைப் பார்த்தபிறகு நம்முடைய ஹரிஜனக் கோஷ்டியினருக்கு அதிகமான நம்பிக்கை ஏற்பட்டது. நம் நாட்டிலும் ஆலயப்பிரவேசம் கொண்டுவர வேண்டுமென்று ஆர்வம் உண்டானது. இச் சீர்திருத்தத்தை நாம் எவ்விதம் அடைவது? அரசாங்கத்தார் உதவியிருந்தால் அடையலாமென்று அநேக காலம் நினைத்திருந்தோம். அரசாங்கத்தார் ஜனங்கள் அதற்கு ஆதரவு கொடுக்கிறார்களா என்று பார்த்து சட்டம் செய்த் தயாராயிருந்தார்கள். ஆகவே நாம் வெறுமே அரசாங்கத்தை எதிர் பார்த்துக்கொண்டிருப்பதில் பயனில்லை. பொது ஜனங்களை அதற்குப் போதுமான ஆதரவு கொடுக்கும்படி வேண்டியதை செய்யவேண்டுமென்று நினைத்து தமிழ்நாடு மாகாண ஆலயப்பிரவேச மகாநாடு மதுரையில் ஜூன் 13-ம் தேதி நடத்தினோம்.

"மகாநாட்டில் ஆலயப்பிரவேசத்திற்கு பூரணமான ஆதரவு இருந்தது. ஆலயப்பிரவேச மகாநாட்டுக்குப் பிற்பாடு ஒரு பலத்த இயக்கம் தமிழ் நாட்டிலே, முக்கியமாக மதுரையிலே நடத்தப்பட்டது இதற்காகக் கூட்டப்பட்ட பொதுக்கூட்டங்களிலே ஆயிரக்கணக்கான மக்கள் வந்து அதற்குத் தங்களுடைய ஆதரவிருக்கிறதென்று நன்றாகத் தெரிவித்தார்கள். கூட்டங்களிலே குறிப்பாக என்றையதினம் ஆலயப்பிரவேசம் செய்யப்போகின்றோமென்று சொல்லாமலிருந்த போதிலும் நீங்கள் எல்லோரும் ஆதரவு கொடுக்கும் பக்ஷத்திலே நாளைக்கே கோவிலுக்குள் போகலாமென்று ஜனங்களிடத்தில் சொல்லப்பட்டுவந்தது. ஆகையால் ஜனங்களுக்குத் தெரிவிக்காமல், நாங்கள் ஆலயப் பிரவேசம் செய்து விட்டோமென்பது சரியல்ல; ஜனங்களுக்கு நன்றாகத்தெரியும். பூரணமான ஆதரவோடு இக்காரியம் செய்யப்பட்டிருக்கிறது. ஹரிஜனங்கள் கோவிலுக்குள் எந்த நாளிலும் போகலாமென்று மக்களுக்கு நன்றாகத் தெரியும். அப்படிப்பட்ட நிலைமையில் தான் ஆலயப்பிரவேசம் ஏற்பட்டது.

"இந்த ஆலயப் பிரவேசம் ராஜீய நன்மைக்காகவோ செல்வாக்குக்காகவோ செய்யப்பட்டதென்று சில பேர் சொன்னார்கள். அதை மறுத்து நம்முடைய தலைவர் சொன்னார்கள். அதை மீண்டும் நான் திருப்பிச் சொல்ல விரும்பவில்லை. ஆகையால் அந்த இயக்கத்தை எப்படி நடத்தினோமென்று மாத்திரம் சொல்லுகிறேன். இந்த ஆலயப்பிரவேச இயக்கத்தில் அரசியல் விஷயம் பூரணமாக விலக்கப்பட்டது; மத விஷயம் மட்டும் சொல்லப்பட்டது. சீர்திருத்தத்திற்கு அதரவாக நம்முடைய மத சாஸ்திரங்கள் இப்படிச்சொல்லுகிறது. பகவத்கீதை உபநிஷத்துக்கள் இப்படிச் சொல்லுகின்றனவென்று கூட்டங்களில் எடுத்துக்காண்பிக்கப்பட்டதே தவிர அரசியல் சம்பந்தமாக சொல்லப்படவில்லை. சாத்வீகமான முறையில் அடக்கமான தன்மையில் இயக்கம் நடத்தப்படவேண்டுமென்று நமது தலைவர் சொல்லியிருந்தார். அதே மாதிரி இந்த இயக்கம் நடத்தப்பட்டதென்று தெரிவித்துக்கொள்ளுகிறேன். ஆலயப்பிரவேசமானது நம்முடைய பிரதம மந்திரியினுடைய பூரணமான அனுமதியினாலும் தான் என்றும் அவர் இருந்துதான் அதை முடித்தாரென்றும் ஒரு அங்கத்தினர் சொன்னதாக நான் நினைக்கின்றேன். அது சரியல்ல. நமது தலைவர் ராஜாஜியவர்களுக்கு ஆலயப் பிரவேசம் குறிப்பிட்ட நாளில் செய்யப் போகிறோமென்று தெரியாது. ஸர்க்காரையோ அல்லது பிரதம மந்திரியையோ நாங்கள் நம்பியிருக்கவில்லை: எங்களுக்குக் கஷ்டமேற்பட்டால் அந்த சமயத்திலே பிரதம மந்திரி கை கொடுத்து உதவுவாரென்று நம்பிக்கை இருந்ததேயொழிய அவருடைய உதவியைமட்டும் கொண்டு இந்தக் காரியத்தையெல்லாம் நடத்திவிடலாம் என்று நாங்கள் இருக்கவில்லை. அவருக்கு இந்த விஷயம் தெரியப்படுத்தவேயில்லை. இந்தக்காரியம் ஜூலை 8-ம் தேதி நடந்தது. அதற்குப் பிறகு அவர் பத்திரிகையில் பார்த்துத்தெரிந்து கொண்டிருக்கிறார். ஒரு பத்திரிகையைப்

பார்த்துச் சந்தேகப்பட்டு, எல்லாப்பத்திரிகைகளிலும் இந்த விஷயம் இருப்பதைப்பார்த்த பின் தான் அவர் இந்த விஷயம் நடந்திருக்கிறது உண்மை என்று தெரிந்து கொண்டிருக்கிறார்.

" ஸ்ரீமான் கிருஷ்ணமாச்சாரி அவர்கள் ஏதோ ஒருவிதமாகப் பேசினார். பொது ஜனங்களுடைய ஆதரவினால் இந்தக் கோவிலைத்திறந்து விட்டார்களாவென்று கேட்டார்கள். நிருவாக உத்தியோகஸ்தருக்கு, ஸ்ரீ வைத்தினாதய்யருக்கு உள்வெளிச்சம் தோன்றி இதைச்செய்தார்களாவென்றும் கேட்டார். உண்மையான ஒவ்வொரு ஹிந்துவுக்கும் ஹிந்து ஸமூகத்தில் எந்த வகுப்பினராயிருந்தபோதிலும் அவரை கோவிலுக்குள்ளே விடவேண்டுமென்று மனசாக்ஷி சொல்லுகிறது. ஆனால் இந்த மனசாக்ஷியைச் செயலுக்குக் கொண்டுவர எல்லோருக்கும் தைரியம் வருகிறதில்லை. ஆகையால் ஹரிஜனங்களுக்கு ஊழியம் செய்து கொண்டிருக்கிறவர்களுக்கும் உண்மையான ஹிந்துக்களாயிருப்பவர்களுக்கும் இந்த ஹரிஜனங்கள் ஆலயப்பிரவேசம் எப்பொழுது ஏற்படுமோ, இந்தக் காரியத்தை எப்பொழுது செய்யப் போகிறோமோவென்று மனதில் ரொம்ப காலமாக வாட்டிக்கொண்டேயிருக்கிறது. அவ்விதமான எண்ணம் காரியத்தில் நிறைவேற்றுவதற்கு வேண்டுமென்ற ஆர்வம் காலத்தை எதிர்பார்த்துக்கொண்டிருந்தார்கள். தேசம் முழுவதிலும், முக்கியமாக மதுரையிலும், அதற்கு சாதகமான காலமும் அபிப்பிராயமும் கண்டதும் இந்தக்காரியம் செய்யவேண்டுமென்று முற்பட்டார்கள். எங்கள் தலைவர் ஸ்ரீ வைத்தினாதய்யர் அதற்கு வேண்டிய முயற்சி எடுத்துக்கொண்டார். நிருவாக அதிகாரியும் இச்சீர்திருத்தத்திற்கு சாதகமாக இருந்தார்கள். போலீஸ்காரர்களுடைய உதவியினால் இந்தக் காரியம் செய்தார்களென்று சொன்னால் அதை நான் பூரணமாக மறுக்கிறேன். போலீஸ்காரர்களுக்கு இந்த விஷயம் தெரியவே தெரியாது. நாம் பொது ஜனங்களுடைய நம்பிக்கையையும் ஆதரவையும் எடுத்துக்கொண்டுதான் இந்தக் காரியத்தைச் செய்தோம். போலீஸ்காரர்களுடைய உதவியையும் நாங்கள் எடுத்துக்கொள்ளவில்லை. இந்தக் காரியங்கள் மிகவும் சமாதானமான முறையில் ஆரம்பத்திலிருந்து நடந்து கொண்டுவருகிறது. ஸ்ரீ கிருஷ்ணமாச்சாரி மதுரைக்குப் போன சமயத்தில் கோவிலில் ஒருவருமில்லை என்று சொன்னார்கள். ஒருவேளை நமது பிரதம மந்திரி சொன்னபிரகாரம் அவர் மதுரைக்கு வந்திருந்த சமயத்திலே கோவிலுக்குள் போயிருந்திருக்கலாம். இருந்தபோதிலும் அவர் சொன்ன பிரகாரம் 2 பேர்கள்தான் கோவிலில் இருந்தார்களென்று சொல்லுவது பிசகு. கோவிலில் ஜனங்கள் வரக்கூடிய காலத்தில் போய்ப் பார்த்தால் தான் உண்மை தெரியும். ஆலயப்பிரவேசத்திற்குமுன் எவ்வளவு ஜனங்கள் வந்துகொண்டிருந்தார்களோ அவ்வளவு ஜனங்கள் இப்பொழுதும் வந்துகொண்டிருக்கிறார்கள். அதற்குச் சற்றும் குறைவில்லை. மீனாக்ஷியம்மன் கோவிலிலே ஏதோ கொஞ்சம் சச்சரவுகள் இருந்தபோதிலும் பெருமாள் கோவிலிலும் அழகர் கோவிலிலும் கொஞ்சங்கூடத் தகராரே யில்லாமல் மிகவும் நன்றாக நடந்துகொண்டு வருகிறது. அழகர் கோவில் தேர் உத்சவத்திலே ஹரிஜனங்களும் கலந்துகொண்டார்கள். மீனாக்ஷியம்மன் கோவில் உள்பட எல்லாக் கோவில்களிலும் பூஜைகள் சரிவர நடந்துவருகின்றன. எல்லோரும் பரிசுத்தத்துடனும் தெய்வபக்தியுடனும் கோவிலுக்குள் போய்க்கொண்டு வருகிறார்கள். மீனாக்ஷி அம்மன் கோவில் ஆடி உற்சவம் இப்பொழுதும் வழக்கம்போல் நன்றாக நடந்துவருகிறது. மதுரையிலிருந்து பிரதிநிதியாக வருவதால் இவ்விஷயங்களை எல்லாம் எடுத்துச்சொல்ல முற்பட்டேன். பொதுவாக இந்த ஆலயப்பிரவேசம் சமாதானத்துடனும் அமைதிக்குக் கொஞ்சங்கூட பங்கமில்லாத முறையிலும் நன்றாக நடந்து வருகிறது. இதன் மத்தியில் பொது ஜனங்கள் பூராவும் இதை ஆதரிக்கும்போது வழக்கம் என்று, சட்டம் மூலமாக இந்தப் பெரிய காரியத்தைதடங்கல் செய்ய வேண்டுமென்று கேஸ் போடப்பட்டது. மெஜாரிட்டியாக இருந்து ஒரு காரியத்தைச்செய்ய முன்வந்ததை சட்டத்தின் மூலமாக அதைக் கெடுக்கக்கூடாதென்ற நோக்கத்துடன்தான் இச்சட்டமும் அவசர சட்டமும் கொண்டுவரப்

4th August 1939] [Sri N. M. R. Subbaraman]

பட்டதென்று நாம் அறியவேண்டும். இதைத் தமிழ்நாடு பூராவும், முக்கியமாக மதுரையும், பூரணமாக ஆதரிக்கிறது. இதைக் கொண்டுவந்த பிரதம மந்திரியையும், சர்க்காரையும் பாராட்டுகிறேன். இந்த சட்டத்தை எல்லோரும் ஆதரிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

Mr. SPEAKER:—"Hon. Mr. Muniswami Pillai will now speak. We are now closing the debate. Hon. Members will be very brief." 7

* The Hon. Sri V. I. MUNISWAMI PILLAI:—"Sir, I have been carefully listening to the debate of yesterday and to-day, and I feel satisfied that all the members who took part in the debate had the charitable disposition that the Harijans ought to be allowed within the sacred precincts of the temples of the Hindus. There have been speeches criticising the approach and as to the canon of legislative matters. But for me, Sir, as one who has followed the movement for years, and took a part in it, I feel it is my humble duty to express my gratitude and that of my community to every one of the Members of this Assembly for giving their consent to a very important legislation of this sort. Sir, in this House, or rather I may say, in this very chamber, not only myself but some of the important members of my community have fought battles for facilities for my community. I have always held that a measure of this sort is the real method of effecting reform, and fortunately under the reconstructed chamber and under your speakership, Sir, it has been possible to bring a measure of this sort on to the statute book of this Province.

"I am sure, Sir, it is not only the citizens of this Province, but every one in India and even outside it, will certainly come to congratulate the members of this Assembly for the noble task they have taken, that is, to get the depressed classes away from the stigma which has kept them away so long from the Hindu fold. Sir, at the same time, I cannot forget the great sacrifice that has been done by Mr. A. Vaidyanatha Ayyar and the people of Madura. I feel it, Sir, my duty that I must salute on this occasion every citizen of Madura for the bold stand they have taken. Sir, though there have been certain criticisms in this House on this measure, I am sure the Sanatanists and those who think like them will ponder for a moment and see why they should not give their full support to this measure. The matter of temple entry is not a new thing. It was originated by Sri Ramanujacharya and also by Sri Jagadguru Sankaracharya, and it has taken all these years for our people to realize the necessity for it. I am sure that I am voicing the feeling of my people when I say that the name of our worthy Prime Minister will go down to posterity for the bold and courageous step he has taken to purify Hinduism."

* The Hon. Sri C. RAJAGOPALACHARIAR:—"Sir, it was embarrassing to receive personal expressions of appreciation from my own colleague in this matter. It is after all time that

has brought about changes and events and we need not look upon things from a personal point of view. I only wish to say this on this occasion: that none of us should, in the least, even attempt to make this a matter of party profit or party politics. I want this to be realized by every one that if this measure is not merely accepted in this House, but if, in the very easy and informal manner that I hope, public opinion will gather round this and assist in rendering justice to the people who have hitherto been excluded, it would be a credit to all people, to all groups, and to all classes of people and no particular group of politics need imagine that it is its own work. Nothing can be done by one party in a matter of this kind. Everything might be done if all become true Hindus."

The motion was put and carried and the Bill was passed into law amidst applause.

The House then adjourned to meet again at 3 p.m. the next day.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, 5th August, 1939.

The House met in the Legislative Assembly Chamber, Fort St. George, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Appointment in the Commercial Taxes Department on communal basis.

* 31 *Q.*—H. S. HUSSAIN SAHIB BAHADUR on behalf of Khan Bahadur P. M. Attakoya Thangal Sahib Bahadur: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the appointments to be made in the Commercial Taxes department which is to be newly organized, will be through the Madras Public Service Commission; and

(*b*) if not, whether the Government will adhere to communal basis in making such appointments?

THE HON. SRI C. RAJAGOPALACHARIAR:—" Clauses (*a*) & (*b*) Appointments to the Commercial Taxes department are being made on a temporary basis by transfer principally from the Revenue and Excise departments. The communal rule applies only to fresh recruiting and not to promotions and transfers.

" Appointments to vacancies caused by such transfers will be made according to the rules governing the appointment in question and in consultation with the Madras Public Service Commission and according to the communal ratio where that is prescribed by the rules."

SRI S. NAGAPPA:—" May I know what percentage has been reserved for Harijans at least in the menial posts? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" The question is difficult to be answered straight off. But so far as the answer already given applies to the question now put supplementarily, there are a few vacancies caused by these transfers and promotions to this new temporary department; so far as these vacancies are concerned, in the direct recruitment to such vacancies Harijans will get the same ratio as that prescribed in the general communal order now prevailing."

SRI S. NAGAPPA:—" My submission to the Government is . . ."

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MR. SPEAKER:—"No submission is permissible. A question will have to be put."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether even with regard to these transfers which the Government have made from the various other departments, it would not have been better if they had adhered to the communal basis?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The form in which the question is put assumes that the communal proportion or ratio would have applied to such transfers and the question is whether it would not have been better if we had adhered to them. As a matter of fact, the communal ratio or proportion does not apply at all to transfers; so there is no question of adherence or not."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether even in making transfers it would not have been better if they had followed the communal Government Order and effected transfers on such communal ratio?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I take it that the question is whether the Government would consider it proper to follow the communal principle in making these transfers from the Excise and Revenue departments to the Commercial Taxes department. I may say, Sir, that the communal principle is attempted to be followed, but efficiency has also to be considered; the rule called 'Communal rule' cannot be followed, because it is a case of transfer."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I know, Sir, whether these transferees are appointed on the same pay as they were getting in their respective departments or whether they go on promotion?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"There is no special advantage accruing to these officers by the transfer."

SRI S. NAGAPPA:—"May I know if there is a single representative of the Harijans in any one of the departments of the Government?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"There are many members of the Harijan community in public service, Sir."

SRI S. NAGAPPA:—"May I ask, Sir, whether it is according to their proportion in the population?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Not yet, Sir."

SRI S. NAGAPPA:—"When can it be expected, Sir?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"As soon as schools are full and examinations are passed properly." (Laughter)

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Sri S. NAGAPPA:—" What are the examinations that are required to be passed for the menial posts, Sir? "

The Hon. Sri C. RAJAGOPALACHARIAR:—" I did not know that the question was about menial posts. I was answering about the entire public service."

Sri S. NAGAPPA:—" Are the Government not aware that the Harijans are more fit only for menial posts than for other posts at present."

The Hon. Sri C. RAJAGOPALACHARIAR:—" I cannot believe that the question is as reported to me. May I hear it again? "

Mr. SPEAKER:—" I disallow that question since it communicates information and does not seek information."

The Hon. Sri C. RAJAGOPALACHARIAR:—" It does not communicate information. In my opinion, it is a wrong proposition altogether." (Laughter)

An Hon. Member:—" May I know, Sir, whether the Government can relax the present communal Government Order as regards the Harijans as the proportion of 1 to 12 is inadequate for all the 86 communities of the Scheduled castes? "

The Hon. Sri C. RAJAGOPALACHARIAR:—" The question is, I presume, not about the Commercial Taxes department. It is general about the communal rule and the supplementary question as I heard it and as I edit it is whether the Government would be inclined to increase the proportion of 1 to 12 which is now allotted to the Scheduled classes. I am not able to answer it straight off. I am not sure whether there are reasonable grounds for increasing the proportion, but I shall be obliged if hon. Members will give sufficient reasons and the Government will certainly take them into account."

K. ABDUR RAHMAN KHAN SAHIB Bahadur:—" May I know, Sir, from the Hon. the Premier whether the appointments to the new department have not only been by mere transfers but have also meant promotions to some people."

The Hon. Sri C. RAJAGOPALACHARIAR:—" It is possible, in the case of some people it may be promotion, where otherwise they would have been deserving promotion in their own departments."

Sri K. V. R. SWAMI:—" May I know, Sir, from the Hon. the Premier why Mr. Strathie was appointed on Rs. 3,500 while the Ministers are working on Rs. 500? Have they not got proper men to be appointed to the post? "

The Hon. Sri C. RAJAGOPALACHARIAR:—" A regular notice would be better."

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SRI B. ANANTACHAR :—" May I know, Sir, whether Harijans and Muhammadans have been appointed to this department, the Commercial Taxes department? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" Here and there they must have been, but I cannot vouch for the exact numbers."

SRI E. KANNAN :—" May I know, Sir, whether the appointments made to the clerical staff of this department are governed by the Service Commission Rules."

THE HON. SRI C. RAJAGOPALACHARIAR :—" No, Sir, because it is a temporary department."

SRI G. RANGIAH NAYUDU :—" May I know, Sir, how many outsiders are taken in this department? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" I think I would be right in saying ' none ', Sir."

SRI S. NAGAPPA :—" May I know, Sir, what is the objection that is standing in the way of the abolition of this communal rotation in regard to the communities who are not properly represented in these departments? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" It is not about this question; yet I am able to answer that the proportion that has been allotted to the Harijan community in the matter of communal proportion was allotted after much consideration. But I may inform hon. Members who are interested in the matter that it has been difficult to get even that number filled."

SRI D. V. RAMASWAMI :—" May I ask, Sir, whether in making these appointments, instructions were issued to give a little preference to those who have suffered in the cause of the country and who have the necessary qualifications? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" No circular has been issued to give preference on political grounds."

SRI D. V. RAMASWAMI :—" My question is not whether it has been issued or not. It is whether the Government will be pleased to authorize and instruct officers to give a little special consideration to those who are not only qualified but have suffered for the cause of the country? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" My personal opinion, Sir, is that it would not be right to issue instructions that persons should be preferred for political reasons."

SRI D. V. RAMASWAMI :—" Is it so even under the Congress Government? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" My personal opinion is that, I said. I may be equated with the Congress Government in a temporary manner."

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SRI D. V. RAMASWAMI :—" My point is, I am requesting the Government, not the Hon. Prime Minister. . ."

MR. SPEAKER :—" This is question hour. No request can be made to the Government."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR :—" May I know, Sir, if all the appointments to this department have already been made or whether there are some more to be appointed after the Sales Tax Act comes into effect? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" I won't be able to answer the question of administrative detail, but I think in the course of a few days, all would have been appointed, because the machinery is the same."

SRI G. RANGIAH NAYUDU :—" Is it a fact that all the hands that are taken in this department are taken from those in the Excise department who are sent out from their appointments in the districts where Prohibition is introduced? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" The policy generally followed in this matter is ultimately to provide for those who will be discharged by reason of Prohibition. But at present the Revenue department and the Excise department are both drawn from, because in the Revenue department there is sufficient gradation for gradually providing for those who will be discharged from time to time in the Excise department. I may briefly put it in this way, that the Revenue department acts as a turning table which will switch on those who will be discharged from the Excise department."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR :—" If the transfers do not benefit the persons transferred, is there any use in following the communal rotation in these transfers? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" The hon. member has given the reason for me, Sir."

SRI G. KRISHNA RAO :—" In these appointments, may I know, Sir, if people are chosen who will be able to go through commercial accounts and efficiently discharge their duties in checking the accounts? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" I am glad, Sir, that this is remembered at least by one member. It is the main and important fact, but the communal consideration is always there behind it."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" May I know, Sir, whether any specific Accounts examination was specified for members of the Excise as well as the Revenue department before they were drafted to the Commercial Taxes department? " 3-p.

THE HON. SRI C. RAJAGOPALACHARIAR:—" There is no special Accounts examination or training which is considered useful to be prescribed in this connexion. What is wanted is the capacity to look into the miscellaneous accounts of turnover only. It is not a case where any accounts have to be cast for profit and loss and things like that, and the ordinary experience which people get in the Revenue department is considered enough for this purpose and they are chosen. They are specially chosen. It is not as if every one in the Revenue department is taken on to this."

MAHBOOB ALI BAIG SAHIB BAHADUR:—" May I ask, Sir, whether it is not a fact that in the Revenue department a person is not made permanent unless he has passed the Accounts test? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" It is correct."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Does it also relate to officers who are drafted from the Excise department? What exactly is the Accounts test that was prescribed for those persons who in the opinion of the officers who appointed them were found to be better fitted than the others? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" The Excise department too, Sir, is a Revenue department and the promotion and appointment after probation do demand a certain acquaintance with account keeping also."

SRI KALLUR SUBBA RAO:—" Is it the idea of the Government, Sir, that the Excise department people are experts in accounting and that they are honest people? "

MR. SPEAKER:—" It is an ironical question and is disallowed."

Modification of the rule governing the general educational qualifications of S.S.L.C. candidates for admission to the Service Commission Examination.

* 32 *Q.*—SRI K. SHANMUGAM: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether it is a fact that the S.S.L.C. students who have been declared eligible for the University Course of study are not allowed to appear for the Service Commission Examination when they have not scored 35 per cent of the marks in the C group; and

(*b*) whether the Government will be pleased to modify the rules on the subject allowing all the S.S.L.C. students who are eligible for collegiate study to appear for the Madras Public Service Commission Examination?

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THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) The answer is in the affirmative.

" (b) The question is already under consideration."

SRI S. NAGAPPA:—" May I know, Sir, on what grounds Government debar them from appearing for the Public Service Commission Examination? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" This is an old rule with regard to the number of marks to be secured before being selected. There is a slight difference between that prescribed by the University for eligibility for collegiate education and that prescribed for public service on the advice of the Public Service Commission. The difference arose because in the University there is a vast alternative scheme of subjects for study and any one who is good enough in any subject can profitably follow further University course. But in the case of Government service a certain minimum qualification has to be secured. That I believe is the reason. But as I have already said the matter is under consideration."

Re-election to certain constituencies of the Madras Legislative Council.

* 33 *Q.*—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Prime Minister be pleased to state—

(*a*) what the constituencies are that have to re-elect their representatives to the Madras Legislative Council owing to the completion of the three-year period in the near future; and

(*b*) when the elections are proposed to be held?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (*a*) A statement [a] is placed on the table of the House.

" (*b*) The elections will be held early in 1940 but the dates have not yet been settled."

Military lands in this Province.

* 34 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the extent of land in this Province classified as military lands (Government of India); and

(*b*) how these lands are used when they are not actually required for military purposes?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—" (*a*) The Government have no information but have called for it.

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a Printed as Appendix I on page 222 *infra*.

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"(b) If any land becomes surplus to the requirements of the Central Government, the Provincial Government are given the option of assuming possession of it on payment of its value. If the Provincial Government do not require the land, the Central Government dispose of it to third parties."

Schemes, if any, suggested by the Presidency Port Officer for the improvement of minor ports in the Presidency.

* 35 *Q.*—MR. G. H. HODGSON: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Presidency Port Officer has suggested, since the introduction of the Minor Ports Fund Bill in 1938, any schemes for the improvement of the Minor Ports in the Presidency; if so, of which ports; and

(*b*) whether any of these schemes have been sanctioned; if so, which?

THE HON. MR. YAKUB HASAN:—"(*a*) & (*b*) A statement[a] is laid on the table."

MR. G. H. HODGSON:—"May I ask the Hon. the Minister whether any proposals have been put forward for the improvement of the east pier at Calicut?"

THE HON. MR. YAKUB HASAN:—"All the proposals that are before the Government have been mentioned in the statement appended to the answer."

MR. G. H. HODGSON:—"May I ask whether such proposals would be favourably considered by the Government?"

THE HON. MR. YAKUB HASAN:—"There is a proposal for the construction of a third pier at Calicut and I have said that that is under consideration."

MR. G. H. HODGSON:—"Sir, my question is about improvement of the facilities at the east pier."

THE HON. MR. YAKUB HASAN:—"Calicut is situated on the West Coast and there can only be either a north pier or a south pier." (Laughter)

MR. G. H. HODGSON:—"I beg your pardon, Sir. It is the south pier."

THE HON. MR. YAKUB HASAN:—"There is no proposal now, but when it comes up it will be considered on its merits."

MR. D. M. REID:—"May I ask the Hon. the Minister with regard to 2 (*d*) and (*e*), supply of a dredger and construction of a dry dock at Masulipatam, if the dragline excavator is ready, or if

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[a] Printed as Appendix II on page 223 infra.

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it is not ready, how long it will take to get it ready, and if the Hon. Minister can carry out . . ."

Mr. SPEAKER:—" I think there are too many questions in this supplementary question."

The Hon. Mr. YAKUB HASAN:—" I am afraid Mr. Reid does not seem to know anything about Masulipatam. There is an excavator and it is working. It has excavated and widened the channel and now its work is almost over. There was a proposal for a sea-going big dredger to be bought for that port as well as other ports. The Presidency Port Officer has suggested that there is no necessity for a sea-going dredger, but if the excavator is mounted on a schooner that excavator will serve the purpose of a dredger quite satisfactorily. This excavator mounted on pontoons can be repaired very easily and it will require no dry dock, for which one lakh of rupees will be required. The excavator is there and it has only to be mounted on a schooner."

Mr. D. M. REID:—" May I ask the Hon. the Minister when this will be mounted on pontoons and how soon he expects the pier to be ready? "

The Hon. Mr. YAKUB HASAN:—" This information I got only lately. Mr. Reid himself has asked me for an interview and before giving that interview I sent for the Presidency Port Officer and had a discussion with him and this is his opinion. Now his opinion is being considered and it will take the usual course when it is sanctioned."

Mr. D. M. REID:—" I have a number of questions, Sir, but if the Hon. the Minister would prefer me to come and see him personally I will do so."

Mr. SPEAKER:—" I think he cannot say anything on the floor of the House. This is question hour. But if the hon. Member wants to put more supplementary questions he may do so."

Mr. D. M. REID:—" No, Sir. I said so out of courtesy to the Hon. Minister."

Sri KALA VENKATA RAO:—" Is there a greater demand, Sir, for spending this Minor Ports Fund after the Bill was passed? "

The Hon. Mr. YAKUB HASAN:—" There are many demands. Some demands are frivolous. But there are other demands which are reasonable and they are being considered."

Sri KALA VENKATA RAO:—" Will the Government kindly scrutinise the demands and not squander away the money? "

Mr. SPEAKER:—" The question is disallowed."

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Poondi reservoir scheme.

* 36 *Q.*—Sri D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Government have addressed the Corporation of Madras about their willingness to take up the Poondi reservoir scheme to supplement the City water-supply; and

(*b*) if so, what reply the Government received?

The Hon. Dr. T. S. S. RAJAN:—" (*a*) The answer is in the affirmative.

" (*b*) The Corporation's reply has not yet been received."

ABDUL HAMEED KHAN SAHIB Bahadur:—" In view of the fact that the scheme is likely to take many more years to be carried out and in view also of the fact that there is a failure of the monsoon in Madras, have the Government in collaboration with the Corporation of Madras thought out any other alternative measure to meet the situation? "

The Hon. Dr. T. S. S. RAJAN:—" The initiative in this matter has to come from the Corporation."

Sri G. KRISHNA RAO:—" May I ask, Sir, whether the Hon. Minister is aware that at present the kind of water being supplied is abominable? "

Mr. SPEAKER:—" The question is disallowed as it communicates information and does not seek it. Every supplementary question must seek information and must not communicate it."

Number of municipalities with water-supply or drainage schemes under consideration or investigation.

* 37 *Q.*—Sri V. BHUVARAHAN: Will the Hon. the Minister for Public Health be pleased to state the number of municipalities for which water-supply or drainage schemes are under consideration or investigation?

The Hon. Dr. T. S. S. RAJAN:—

	Water-supply schemes.	Drainage schemes.
Municipal schemes the investigation of which has been sanctioned.	9	7
Municipal schemes for which preparation of plans and estimates has been sanctioned.	5	9

Sri S. NAGAPPA:—" May I ask, Sir, whether Government are aware of the fact that most of the Ceded districts are not considered in this respect and that in many of the Ceded districts especially in municipalities drains are not constructed? And, in view of the drainage schemes in the near future, will the Hon. Minister be pleased to consider this soon? "

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Mr. SPEAKER:—" It is a very complex supplementary question and is disallowed."

Sri N. M. R. SUBBARAMAN:—" May I ask, Sir, if the Government will be pleased to expedite the consideration and investigation of, and give administrative sanction to such schemes as it creates the same problem owing to increase in population, especially in Madura? "

The Hon. Dr. T. S. S. RAJAN:—" The Government are considering all the schemes in the order of priority and according to that order every action is taken. As soon as the sanction is obtained, the whole work will be put on hand."

Sri S. NAGAPPA:—" May I know, Sir, at what stage the schemes in the Ceded districts are? "

The Hon. Dr. T. S. S. RAJAN:—" Notice, Sir."

ABDUL HAMEED KHAN SAHIB Bahadur:—" May I ask, Sir, whether it will not be better for the Government to consider the schemes not so much in the order of priority but in the order of urgency? "

The Hon. Dr. T. S. S. RAJAN:—" Urgency is certainly a matter of priority, Sir."

MAHBOOB ALI BAIG SAHIB Bahadur:—" May I ask, Sir, whether it is not a fact that the Government have made the enhancement of water-tax a condition precedent for sanctioning these drainage schemes? "

The Hon. Dr. T. S. S. RAJAN:—" Drainage schemes cost money and if the municipality is sufficiently solvent with the resources that the Government may place at their disposal, then the scheme is sanctioned. But if it is not solvent, the municipal councils are asked to increase the tax. The schemes are not sanctioned till then."

Sri D. V. RAMASWAMI:—" May I ask, Sir, whether there is no seniority in this respect? "

The Hon. Dr. T. S. S. RAJAN:—" Notice, Sir."

Sri S. NAGAPPA:—" May I know whether, as the Kurnool Municipality is very backward, Government will give preference to it? "

The Hon. Dr. T. S. S. RAJAN:—" The matter will be considered, Sir."

An Hon. Member:—" What about the scheme for Dindigul? "

The Hon. Dr. T. S. S. RAJAN:—" With regard to these individual schemes it is impossible to give the answer offhand. If hon. Members will write to me, I shall be glad to answer."

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Sri K. SUBBA RAO:—" May I know how priority is fixed up?"

The Hon. Dr. T. S. S. RAJAN:—" Priority is fixed on many considerations but the most important of them is the necessity for the scheme and the scarcity of water-supply or the urgent necessity for a drainage scheme."

Recognition and support for homœopaths.

* 38 *Q.*—Sri MUTHU Kr. Ar. Kr. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether homœopaths have sought recognition and support from the Government;

(*b*) whether the Government have given any recognition and support to them; and

(*c*) if so, what their nature and extent are?

The Hon. Dr. T. S. S. RAJAN:—" (*a*) Yes.

" (*b*) The answer is in the negative. The homœopathic system of medicine has not been recognized by the Government.

" (*c*) The question does not arise."

Measures to improve the conditions of service and the scale of pay of thotis and scavengers in unions and municipalities.

* 39 *Q.*—Sri MUTHU Kr. Ar. Kr. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Public Health be pleased to state whether the Government propose to take any steps to improve the conditions of service and the scale of pay of thotis and scavengers in unions and municipalities; if so, what they are?

The Hon. Dr. T. S. S. RAJAN:—" The question is under the consideration of the Government."

Nomination of Depressed Class members to Debt Conciliation Boards.

* 40 *Q.*—Sri R. S. MANICKAM: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether any member of the depressed classes has been nominated to any Debt Conciliation Board in any district; and

(*b*) if not, why not?

The Hon. Sri V. I. MUNISWAMI PILLAI:—" (*a*) The answer is in the affirmative.

" (*b*) Does not arise."

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SRI V. KURMAYYA:—" Sir, only two or three are nominated for safeguarding the position of the Harijans. Does the Hon. Minister think that he has nominated Harijans sufficiently and adequately? "

MR. SPEAKER:—" It does not seek information and is therefore disallowed."

DR. M. J. SAMUEL:—" May I know, Sir, what the policy of the Government is in nominating members to these bodies, the Debt Conciliation Boards? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" I do not think, Sir, policy can be discussed in this House now, at question time."

DR. M. J. SAMUEL:—" Is the Hon. Minister aware that the Members sitting on this side are not properly represented on these boards? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" I think the Government have given their careful consideration to the matter."

DR. M. J. SAMUEL:—" May I know how many members of the Opposition Benches have been nominated to these boards? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" Notice."

SRI G. RANGIAH NAYUDU:—" Have any representations been received about the representation of the depressed classes in these boards? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" No representations have been received."

Construction of a motorable road connecting Arkonam with Tiruppachur.

* 41 Q.—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any representations were made to the Government to link up Arkonam with Tiruppachur with a motorable road along the side of the railway line; and

(b) if so, what action the Government have taken so far in the matter?

THE HON. SRI B. GOPALA REDDI:—" (a) The answer is in the affirmative.

" (b) The proposal has been referred to the district boards of North Arcot and Chingleput for their views, the receipt of which is awaited."

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Representation of Moplah Deputy Inspectors of Schools on the Education Committees in Malabar.

*42 *Q.*—S. M. LALJAN SAHIB BAHADUR on behalf of Khan Bahadur P. M. Attakoya Thangal Sahib Bahadur: Will the Hon. the Minister for Education be pleased to state—

(*a*) what the exact number of Moplah Deputy Inspectors in Malabar is;

(*b*) whether it is a fact that not even a single Moplah Deputy Inspector is included in the Education Committees constituted in Malabar;

(*c*) if so, what the reason for it is; and

(*d*) whether it is a fact that only a single Muslim is included in the Education Committee of Ernad taluk, two-thirds of the population of which are Muslims with a large number of Muslim schools?

THE HON. SRI C. J. VARKEY:—" (*a*) It is presumed that the reference is not to Deputy Inspectors who belong to the Mappilla community but to Deputy Inspectors in charge of Mappilla ranges. The number of such Deputy Inspectors is four.

" (*b*) & (*c*) The general plan followed in constituting Taluk Committees was to appoint the Senior Deputy Inspector in charge of the ordinary range as a member and secretary of the committee to represent the department with reference to all educational interests of the area. Deputy Inspectors in charge of special ranges are not therefore members of the committees in any district in the Presidency, including Malabar.

" (*d*) There are three Muslims (one non-official and two officials) on the Taluk Advisory Committee of Ernad. These committees are not constituted on a communal basis."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" May I know, Sir, whether it is a fact that the nomination to these committees was left to the entire discretion of the District Collectors? "

THE HON. SRI C. J. VARKEY:—" Under the rules the Collectors are empowered to nominate five non-official members."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" May I know whether it is a fact that the Government Order issued in this connexion says that persons who have intimate knowledge of local conditions and can devote sufficient time to educational matters should alone be selected for these committees? "

THE HON. SRI C. J. VARKEY:—" That is not the exact wording. ' Those interested in education and resident in the area— ' this is the wording."

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SRI V. S. R. M. VALLIAPPA CHETTIYAR :—" May I know whether Government are satisfied with the constitution of these committees in the various taluks? "

THE HON. SRI C. J. VARKEY :—" Government presume that Collectors have done their duty."

SRI V. S. R. M. VALLIAPPA CHETTIYAR :—" May I know whether Government have received any complaints from the general public and the Members of this Assembly that the selections are not in consonance with the spirit of the Government Order? "

THE HON. SRI C. J. VARKEY :—" I do grant the second part. Many complaints have been received."

SRI V. S. R. M. VALLIAPPA CHETTIYAR :—" May I know what the Government propose to do after these complaints have been received? "

THE HON. SRI C. J. VARKEY :—" They are still coming in. When they are all finished we will consider them." (Laughter)

SRI V. S. R. M. VALLIAPPA CHETTIYAR :—" Am I to presume from the answer that the complaints are so many from the public? "

THE HON. SRI C. J. VARKEY :—" There are many complaints; but we will consider them all."

H. S. HUSSAIN SAHIB BAHADUR :—" May I know why the Deputy Inspectors of Schools for Muslims are not appointed as members of these committees, while for instance, the Assistant Inspectress is a member of that committee? "

THE HON. SRI C. J. VARKEY :—" She is a member of the committee in her official capacity as Inspectress."

SRI G. RANGIAH NAYUDU :—" May I know the qualifications of a member of that committee? "

THE HON. SRI C. J. VARKEY :—" I would refer the hon. Member to the Government Order."

SRI V. M. RAMASWAMI MUDALIYAR :—" May I know whether the proportion of two-thirds is correct, and if so, whether Government will consider their representation, especially when there is a complaint about representation? "

THE HON. SRI C. J. VARKEY :—" We have not considered the question of selection either on communal basis or population basis."

SRI K. SUBBA RAO :—" What are the duties of the Inspector of Schools in these committees? "

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THE HON. SRI C. J. VARKEY:—" They have been told their duties by the Director's circular, and it is not possible for me to give the information."

SRI G. RANGIAH NAYUDU:—" May I know who the Secretary of the Committee is? "

THE HON. SRI C. J. VARKEY:—" In fact the Senior Deputy Inspector is made the ex-officio Secretary of the Committee."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—" With reference to the answer of the Hon. Minister for Education that instructions to the Deputy Inspectors are given by the Director of Public Instruction and that it is not possible for the Minister to give information, I should like to have a ruling from you whether the House is entitled or not to the information? "

MR. SPEAKER:—" The House is entitled to get the information."

THE HON. SRI C. J. VARKEY:—" When sufficient notice is given, the information will be supplied."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" In view of the answer given by the Hon. Minister that the question of population and communities does not constitute the basis on which the committees have been formed, may I ask, Sir, whether it does not stand to reason that adequate representation should be given to communities in areas where they are in a vast majority so that those persons would have at heart the best interests of that community in the matter of education? "

THE HON. SRI C. J. VARKEY:—" We have left that matter entirely to the Collector of the district and he has chosen persons in whom he has confidence."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I know whether this Government have not given any indications to the Collector as to the basis on which alone he should nominate members to these expert committees? "

THE HON. SRI C. J. VARKEY:—" It is not an expert committee. That is the whole trouble. It is a committee of persons to help the department of Government in the spread of elementary education."

SRI B. BHAKTAVATSALU NAYUDU:—" May I know whether the Director of Public Instruction issued confidential circulars to Deputy Inspectors directing the closure of schools before the committees are formed and not to give files to chairmen of the committees if they asked for them? "

THE HON. SRI C. J. VARKEY:—" He has issued instructions but I do not think they are confidential. However, he has

been told what his duties are in the circular, and there is no instruction about the restrictions in regard to communications to the presidents."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"As regards representation of Members of the Legislature on these bodies, may I know from the Hon. Minister for Education whether it is a member representing a particular area, or a member representing some other area that is entitled to a seat in the Taluk Committees?"

THE HON. SRI C. J. VARKEY:—"The point was considered when the Government Order was framed, and we have made it clear that those Members of the Legislature who are resident in the area of the taluk, and not those who represent a constituency, that must be members of the committees."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"May I know if it is a case of all members or only some of them? Supposing in one particular area there are more members than one residing, will all of them be entitled to be on that committee or will only a few be selected?"

THE HON. SRI C. J. VARKEY:—"All the Members of the Legislature are ex-officio members of that particular Taluk Committee."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"May I know, Sir, then, if the Members of the Legislature are entitled to be given notice by the authorities for meetings?"

THE HON. SRI C. J. VARKEY:—"They are entitled to notice."

UNSTARRED QUESTIONS

Amalgamation and transfer of management of the Government Higher Elementary Training School, Guntur.

1 *Q.*—S. M. LALJAN SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(*a*) whether Government have any proposals to amalgamate the Government Higher Elementary Training School for Masters, Guntur, with the Government Muhammadan High School, Guntur; if so, the reasons therefor; and

(*b*) whether it is a fact that the management of the Government Muhammadan High School, Guntur, is proposed to be transferred to a local body; if so, why and to which local body?

A.—(*a*) The question of improving the condition of the Government Muhammadan Training School, Guntur, is under consideration and this involves the possibility of the school being transferred from its

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present place for the reason mainly that the Municipal Elementary School for Muslim boys which is used as the model section has only five pupils.

(b) There is no such proposal.

Amount charged for a patient in the paying ward in the General Hospital, Madras.

2 *Q.*—SRI G. KRISHNA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the amount of charges per day is that a patient in the paying ward has to pay in the General Hospital, Madras; and

(b) what the total cost of food given per day to such a patient is?

A.—(a) The attention of the member is invited to rules 10 and 11 of the rules in the Appendix VII in the Civil Medical Code, Volume II, 1931 edition.

(b) Information has been called for.

Reasons, if any, for the failure of the co-operative movement amongst the Harijans.

3 *Q.*—SRI S. GURUVULU: Will the Hon. the Minister for Industries and Labour be pleased to state whether it is a fact that the Government believe, that the co-operative movement amongst the Harijans or depressed classes is not successful; and, if so, what the reasons are?

A.—The answer is in the negative.

Steps taken by the Government to bring down the rate of infantile mortality in this Province.

4 *Q.*—SRI MUTHU KR. AR. KR. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) the rate of infantile mortality in this Province; and

(b) the steps taken by the Government to bring down the rate?

A.—(a) The rate of infantile mortality per 1,000 live births in the Province for the last five years is as follows:—

1934	192·90
1935	178·47
1936	164·04
1937	169·70
1938	166·04

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(b) The adoption of adequate sanitary measures by local bodies, the launching of housing schemes by these bodies in order to minimize the evils of overcrowding, effective propaganda by the Public Health Department and the day-to-day activities of the maternity and child-welfare staff have been responsible for keeping the rate down.

Cottage industries in each district.

5 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the cottage industries which are in existence in each district?

A.—Up-to-date and complete information is not available. Government have already in another connexion called for reports from Collectors which will give the information required. The reports are awaited.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—HOUSE COMMITTEE.

MR. SPEAKER:—" I have to announce to the House that the following candidates have been nominated for election to the House Committee:—

(1) Srimathi A. V. Kuttimalu Amma.

(2) Sri P. S. Srinivasa Ayyar.

(3) ,, V. S. R. M. Valliappa Chettiyar.

(4) ,, J. Sivashanmugam Pillai.

(5) Mr. G. E. Walker.

(6) Sri B. Bhaktavatsalu Nayudu.

" As the number of candidates nominated is equal to the number of vacancies to be filled, viz., six, I hereby declare them to have been duly elected to the House Committee.

" In addition to the above, under Rule 152 of the Madras Assembly Rules, I nominate the following two members to be members of the said Committee:—

(1) Sri K. V. R. Swami.

(2) Abdul Hameed Khan Sahib Bahadur."

III.—MOTION UNDER RULE 15 OF THE ASSEMBLY RULES.

*THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, I crave your leave to move that item V of the agenda, viz., motion regarding the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, may be taken after the conclusion of item VI —Bills. I do this just to enable a convenient arrangement of business for the other House."

The motion was agreed to and item VI—Bills, was taken up.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS (AMENDMENT) BILL, 1939.

THE HON. SRI V. V. GIRI:—" Sir, I beg to introduce a Bill [a] further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for a certain purpose and move—

'*that the Bill be taken into consideration at once.*'

" In doing so I should like to explain briefly the Objects and Reasons of the Bill. The Bill is intended to avoid the delay in the disposal of applications for loans made to primary co-operative land mortgage banks. The chief cause of this delay is the inability of applicants to produce promptly documents of title to the properties proposed to be mortgaged by them. In most cases, the documents of title are in the possession of creditors who are averse to produce them before the land mortgage banks for the purposes of verification and the taking of copies. It is proposed to remove the difficulties referred to above and thereby expedite the disposal of applications for loans. It is proposed to empower the Registrar of Co-operative Societies and officers of his Department authorized by him, and such officials engaged in the relief of rural indebtedness and such officers of co-operative bank as are authorized by the Provincial Government in this behalf, to compel creditors to give evidence and produce all documents in their possession or power. It is anticipated that these provisions will help to ensure to the ryot population of this Presidency the full benefit not only of the Land Mortgage Banks Act, but also of the Agriculturists Relief Act."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

MR. SPEAKER:—" Mr. Basheer Ahmed Sayeed is absent and therefore his amendments are deemed to have been withdrawn."

H. S. HUSSAIN SAHIB BAHADUR:—" Sir, I move—

'*In line* 15 *of the proposed new section* 29-*A* (1), omit *the words* " *when trying a suit* ".'

" My submission is that these words are quite unnecessary. It is necessary to summon witnesses to give evidence and also to produce documents not only for trying suits but in all other proceedings. Therefore, Sir, when the entire matter is made clear by saying, ' in respect of the following matters, namely . . . ' the whole thing becomes quite clear. Therefore, I submit it should not be restricted only to the trial of suits. Even without

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these words the meaning is quite clear. It is for this reason I move *that these words be omitted*."

Shaik Mansoor Tharaganar Sahib Bahadur seconded the amendment.

THE HON. SRI V. V. GIRI:—" Sir, I regret I will not be able to accept this amendment. I do not agree with the hon. Mover in thinking that the powers of this body are enough for their proper and quick functioning. We think on the other hand that the widest powers should be given to this body. In this respect we only follow the spirit of the Civil Procedure Code. We do not want any restriction to be imposed upon the powers of this body. I therefore oppose the amendment."

The amendment was put and lost.

H. S. HUSSAIN SAHIB BAHADUR:—" Sir, in the same clause 2, I move—

> '*In line 5 of the proposed section* 29-*A* (2), omit *the words* " *then and there* " *and, at the end,* add *the words* " *either immediately or within a definite period as the circumstances require* ".'

" The reason is this: It may be quite possible that the person may be present before the officer, but he may not be in immediate possession of a document or it may be that the document may be within his power to produce at any time but it may not be available on the spot. The words 'then and there' will mean that he will be compelled to produce on the spot a thing which he may not have with him when he is present before the officer. As it will be impossible for him to do so, I say that some provision should be made to enable that person to get that document within a definite period and produce it before the officer. It is for this purpose I have suggested the omission of the words 'then and there.'

" It is stated in the proposed sub-clause: 'Any of the officers or persons authorized by or under sub-section (1) may require any person present before him to furnish any information or to produce any document then and there in his possession or power. It will be impossible for a person to produce a document on the spot when it is not with him at the time. It is only right to provide that if he has got it in his possession he may be asked to produce it within a definite period.

" The amendment that I have proposed will make the position clear."

Shaik Mansoor Tharaganar Sahib Bahadur seconded the amendment.

THE HON. SRI V. V. GIRI:—" I can assure my hon. Friend that his intentions in the matter have been provided for in the provisions of this Bill. If a person has not in his possession at the time and at the place where he is summoned a document he has been asked to produce, he will certainly be given time to produce it. That is provided for in section 29-A (1) (*b*). My hon. Friend need not therefore be afraid that a person will be coerced to produce a certain thing when it is not in his possession. In fact, this provision has been adopted from the Civil Procedure Code, Order 16, Rule 7. I may read it for the benefit of the hon. Member. 'Any person present in court may be required by the court to give evidence or produce any document then and there in his possession . . .' "

H. S. HUSSAIN SAHIB BAHADUR:—" In view of the explanation given by the Hon. Minister, I beg leave to withdraw my amendment."

The amendment was, by leave of the House, withdrawn.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON SRI V. V. GIRI:—" Sir, I move—

'*that the Bill be passed into law*'."

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT) BILL, 1939.

* THE HON. SRI V. I. MUNISWAMI PILLAI:—" Sir, I beg to introduce a Bill [a] further to amend the Madras Commercial Crops Markets Act, 1933, for certain purposes and move—

'*that the Bill be taken into consideration at once.*'

" In making this motion I should like to inform the House about the importance of the items that require amendment in the original Act. According to the original Act, among others four persons can be elected by persons who own licences from the market committee. This Bill seeks to enlarge the electorate by including licensees and also the registered buyers, sellers, and buyers and sellers. Under the existing Act, the committee cannot levy a subscription from persons for whose benefit information on crop statistics and marketing is collected. At one time it was thought that information can be got through the broadcasting arrangement; but it was not possible and even when got, it did not serve the purpose since broadcasting information was available at certain hours. Moreover, at present the society is spending

a Published in the *Fort St. George Gazette*, dated 20th June 1939.

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Rs. 7–12–0 per day on telegrams. If the committee can be registered as a news agency, the cost will be only Rs. 5–4–0. Thus the saving will come to Rs. 875 per annum. So, clause 4 contemplates to levy a subscription and also to get the market committee registered as a news agency.

"Clause 5 contemplates expenditure on cultural improvements. As it is, the Act provides expenditure only for regulating and establishing markets. In practical working it has been found necessary that provision should be made for expenditure on other items also. In making provision for this purpose, the Government have taken power to scrutinize any such expenditure before it is actually incurred.

"The Bill also provides that the term of the existing members shall not be disturbed."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 3 (1).

* THE HON. SRI V. I. MUNISWAMI PILLAI:—"I move, Sir—

> '*In clause* 3 (1) *of the Bill, the words* "*for a period of not less than one year*" *shall be* added *at the end of sub-clause* (*b*) '."

The amendment was put and carried.

Clause 3 as amended was put and carried.

Clause 4 was put and carried.

Clause 5 (ii).

* THE HON. SRI V. I. MUNISWAMI PILLAI:—"I beg to move, Sir—

> '*In clause* 5 (*ii*) *of the Bill, the words* "*within the notified area*" *shall be* inserted *after the words* "*the commercial crop or crops concerned*" *and the words* "*within such area*" *after the words* "*for such extension or improvement*".' "

The amendment was put and carried

Clause 5 as amended was put and carried.

Clauses 6 and 7 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI V. I. MUNISWAMI PILLAI:—"I move—

> '*that the Bill as amended be passed into law*'."

The motion was put and carried and the Bill as amended was passed into law.

(3) THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1939.

THE HON. SRI B. GOPALA REDDI:—" Sir, I beg to introduce a Bill [a] further to amend the Madras City Municipal Act, 1919, for a certain purpose and move—

' *that the Bill be taken into consideration at once.*'

" Sir, the subject-matter of the Bill has been before the public for some time now, and I may say that it is being undertaken at the instance of the Corporation itself. (Cries of ' Shame ' and ' Oh, oh '.) I do not know whether it is shame for the Government or the hon. Member crying ' shame ' or for the members of the Corporation who have passed it (Interruption). However, on the 26th January 1939, it was moved and it was passed by an overwhelming majority, viz., 28 for and 9 against and 4 neutral. So, I have no apology to offer to the House. Sir, in bringing forward this Bill. It is at the instance of the Corporation itself. And later I have referred the resolution to four public bodies in the City, viz., the Madras Chamber of Commerce, the Madras Trades Association, the Southern India Chamber of Commerce and the Andhra Chamber of Commerce. I may inform the House that with the exception of the Southern India Chamber of Commerce all the other bodies have accepted the principle of the Bill, the principle of the Bill being to have simultaneous elections for all the 45 general seats, instead of the present practice by which fifteen seats are thrown open for election every year. We had in the municipalities this system of rotational election and in 1938 it was done away with. Neither in district boards nor in the municipalities we have now this rotational election and all the seats have election simultaneously. In the other Corporations of India, viz., Calcutta, Bombay and Karachi, they do not have this system of partial elections. They have elections for all the wards so that a virile and energetic body like the Corporation can have three years' period or whatever the period is without any hindrance by these annual elections.

" As far as I know, Sir, no definite principle was placed before the electorate in justification of this partial election. They may say that in 1938 we have won some seats or we have lost some seats. But I may tell all sides of the House that the elections were fought on no definite issue and, good or bad, the parties are running the elections. It is but right that these parties should have a normal period of three years to say to the electorate that they have done something or they propose to do something in the course of three years. By these annual elections the majorities are disturbed and no councillor is in a position to push forward any scheme because they are looking to the interests of the fifteen councillors and there is a tendency on the part of the councillors to show favouritism to

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[a] Published in the *Fort St. George Gazette*, dated 25th July 1939.

those councillors who are likely to face the elections that particular year. In order to avoid that and to have a long-range view of things it is but necessary that the Corporation should have its normal course of three years without any hindrance by these annual elections and we have accepted the principle of having simultaneous elections for all the wards. Having accepted that principle, Sir, it is but necessary that we should put off the elections that are due this year. (Abdul Hameed Khan Sahib Bahadur: 'Hear, hear.') Mr. Hameed Khan has himself to face the elections this year and he is very much pleased that the Government have come forward with this Bill in putting off the elections.

"After accepting this principle, Sir, it is not right that we hold elections for these fifteen seats this year and ask them again to face the electorate next year early in October 1940. So we are postponing the elections that are due this year to 1940 when all the 45 divisions will have simultaneous elections, on the same day perhaps, and it would be a sight for the leaders of parties to work for their candidates. The principle of the Bill has been accepted and as a result of that we are putting off elections that are due this year. I commend the Bill for the acceptance of the House."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I shall not take up the time of the House except to say that I was not prepared for this amazing piece of legislation brought forward by the Congress Ministry. Sir, they who have opposed extensions of the terms of district boards for even a few weeks by the previous Ministry, for them to come forward and ask for an extension of the lifetime of the Corporation of Madras, it takes my breath away. I really thought that the resolution of the Corporation which for the most part was passed by the councillors in their own interests would be thrown into the waste-paper basket by the Hon. Minister for Local Administration. I know that I am not in a position to read the mind of the Hon. the Minister-in-charge but I can say this much that the défence he has been able to put forward to-day in respect of this Bill is nothing more than what a councillor of the Corporation would have done. He has not been able to improve on it. In fact he cannot improve on it, Sir. That is the position.

"Arguments have been put forward that in Calcutta and Bombay they have triennial elections and therefore we should have triennial elections here also. But having said that, while trying to introduce triennial elections, he immediately wants to put off also this year's elections. It is that that has taken away the force of the argument for the triennial elections. He has quoted that except the Southern India Chamber of Commerce others have agreed. But I can say this much, that with regard to the opinion given by the other associations also subsequent communication was sent to the Government to the effect that their support to the

system of triennial elections does not include support for the putting off of the elections for this year. I shall be glad if the Hon. Minister for Local Administration would correct me if I am wrong.

" Sir, he has not put forward any strong reason for putting off this year's elections. I can only say it is pure and simple favouritism. I wish he had not come forward with this amendment. If he had only confined himself to having simultaneous elections, and if for that purpose the council is dissolved straightway this year itself and an election is held this year itself, I can understand the Bill. Now, I would ask the Hon. Minister to consider this proposition. If he is keen on introducing this measure, I demand that he should have elections for all the 45 seats this September or October. I am perfectly certain that if he takes up this proposition he will be in a better position to justify his fancy for triennial elections.

" As for the merits of the triennial elections, Sir, with my own humble experience of the affairs in the City Corporation, I can say the fears of the Hon. Minister are not true. He says that if elections take place every year, the councillors have to do certain things out of the way to please the voters. It is quite generalized. I may inform the House that from my own experience, comparing the state of affairs that exists in other municipalities and district boards where election takes place once in three years—and election takes place in a part in Madras every year—I can say healthier conditions are maintained in the city. I think we should be thankful for this system of partial elections every year. I am sure the same state of affairs that prevailed in several other mufassal municipalities and district boards will do havoc in the city also. At present there is a chance of new elections being held every year in the Corporation and if a party should lose it in the following year, there is an opportunity for people to criticize occasionally, once a year. I think it has a very healthy effect on the administration of the city. I would ask the Hon. Minister to take into consideration all these things. I think he is giving up a very good system in favour of a very bad system which we have all seen in
5 the other municipalities and district boards. I personally think that in the whole of the Presidency, if the system of election that is now followed in the City Corporation were followed, it would improve very much the administration of mufassal municipalities. That would have been a reform in the right direction. I am very sorry that the Government instead of copying this system in the case of mufassal municipalities have thought fit to abolish it in the case of elections to the City Corporation itself.

" I shall not attribute motives to the Hon. Minister and say that he has succumbed to the influence of the Members of the Congress party in the Corporation. I am very sorry for the innocent

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Minister for Local Administration. I would only add that all my sympathies go out to the Hon. Minister for Local Administration on this occasion. I would only say that the Hon. Minister should have been saved from this embarrassing situation. I am very sorry that even the able Prime Minister has not saved him from the embarrassment. I can only desperately say that this is not improving the administration of the civic affairs of the Corporation. You are subordinating the interests of the Corporation to the interests of the party in power. You are ruining the administration of the Corporation. I would also add that if only the present Government were to be in office for a few more years, it will not be a surprise to me if after a year or two the Hon. Minister should come forward and say ' I now realize that the holding of elections is wrong; I shall now revise that rule and give another extension to the Council.' And probably the Council of the Corporation may like it.

" Sir, the servants of the Corporation who have seen me in this connexion have taken serious objection to this proposal. It is not right to say that the Corporation as a whole has wholeheartedly supported the proposal, because by a majority they have passed this resolution. It is certainly wrong that they should have passed such a resolution and the Hon. Minister for Local Administration need not have accepted their proposal, particularly in view of the fact that the Hon. Minister has seen the working of the Corporation under this system of election for the last seventeen years. I would ask him to say whether this system has worked well all these years or in what way it has gone and in what way the proposed change will improve matters. It is this aspect that I want him to consider. Therefore, I contend on both the issues, viz., that there is no necessity to introduce a triennial system of elections and that there is no necessity to put off the elections this year. If the Ministry feels strongly, they ought to accept the other proposition that the whole council should be dissolved and fresh elections resorted to. If they do so, they will be in a much better position in putting forward their plea for a triennial system of elections."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Sir, my Hon. Friend the Minister for Local Self-Government should have known that at least on this side of the House we do not see eye to eye with him so far as this measure is concerned; and when he was speaking, as he came to the question of postponing the elections this year, he thought that my ' Hear, hear ' went to approve of his action. On the other hand my ejaculation was in order to make him realize that it was not so much on account of a desire on his part to have the simultaneous elections that this Bill has been brought forward, but that the real object behind this measure—first and foremost—was the postponement of this

year's elections. If it were possible for the Hon. Minister to postpone the elections even for the next year to 1941, he would be very happy, but it would certainly expose the policy of the Ministry in a worse manner than it does even according to the present measure. I know that the Congress party in the City Corporation realize that as a result of the elections that were held last year they were losing ground considerably. They also know that if the elections were held this year, out of fifteen seats they would not get even one seat. I challenge them from this place here and ask them for holding the elections this year. I would ask my Hon. Friend the Minister for Local Administration that if the elections were held this year, whether the Congress party will be returned to the Corporation. The fact is there and my friends belonging to the Congress Municipal party realize that they have been losing ground year after year and they know that their position has been made worse as a result of the numerous taxation measures that have been introduced. So all these considerations weighed with them and they brought forward a resolution in the City Corporation and by the force of the majority in the Corporation they got it passed, and my Hon. Friend the Minister for Local Administration had a regard for the resolution of the Corporation when he brought in this measure. I wish he had as much regard as this for more important and urgent resolutions than this that have been passed. There are many more subjects upon which the City Corporation has resolved and we know how all those resolutions were turned down. Here again I want to know why the Hon. Minister has so much regard for the resolution passed by a majority of the Congress party members there. My Hon. Friend knows that in spite of the losses that the Congress party has sustained, still they have a majority in the Corporation, and naturally they are in a position to pass any measure which they bring in. That does not mean that the opinion of the city is reflected in the resolution that was passed there. My Hon. Friend must realize that there are not enough of statutory bodies who have supported this measure. There are only a few statutory bodies such as the Madras Chamber of Commerce, the South Indian Chamber of Commerce and one or two more. After all, how many seats are allowed to these Chambers of Commerce? Out of 65 seats what is exactly the percentage that is allowed to these bodies? They are not bodies which have a elected majority in the Corporation. Only a few seats are given to them. Did he take the trouble to consult other bodies? He has taken care not to find out the opinion from other larger bodies. May I ask whether it was not necessary for him to have consulted other larger bodies? He went and asked the opinion of only a few statutory bodies and it was not enough.

" So far as the holding of simultaneous elections is concerned, I have already said that that was only a secondary consideration.

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So far as the system of election is concerned, I must say there was a time when I used to think that it would be very much better to have simultaneous elections for all the divisions of the City, but then I found that the Corporation was not a political body and that party considerations should not have any place there. I was of the opinion that party politics should be eschewed from the affairs of the Corporation and it was in order to eschew party politics from the administration of the civic affairs of the Corporation and also to have a continuity of administration that the City Municipal Act was originally responsible for having the system of annual elections for a certain number of seats. Now if we are going to have a thorough overhauling of the system of election for the whole city, the result will be that certain people with sufficient experience may not be re-elected and certainly such persons will not be there to give the necessary amount of advice. Now if the proposal of the Government is accepted a few people who are experienced in civic affairs may not be elected and parties may nominate their own men without any regard for the experience of persons who were originally elected. Therefore, I plead that it is certainly not advisable to introduce politics in municipalities and the City Corporation which has already been said to be made a replica of the Legislature. It is not a political institution and it is not advisable to make it a subsidiary institution for feeding the Legislature or for doing any propaganda in a big election. I, therefore, plead that it is wrong to have simultaneous elections for the entire city.

"My Hon. Friend the Minister for Local Self-Government should know that there are many other important amendments which have to be made in the City Municipal Act, which are as important as this amendment. He should have known that many representations have been made by the Corporation, not only by the Council of the Corporation, but also by the Commissioner of the Corporation. He has placed before the Hon. Minister for Local Administration that there are administrative difficulties in working the Act. So he ought to have brought in a measure to rectify those defects. I find that amendments are required particularly with regard to the clearing of slums, cheries, etc. Such important things have been shelved and my Hon. Friend the Minister for Local Administration thinks that this is a very important matter, a very urgent measure and without passing this measure the administration cannot be carried on. My opinion is that the Hon. Minister should have taken on hand more important things before he brought in a measure of this character.

"Then another thing is this: Sir, Muslim Members of this House brought in a measure to introduce separate electorates for

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the Muslim community and to give the Muslim community representation not merely on a population basis but with the necessary weightage. But my Hon. Friend thought that such a measure was not necessary. As a matter of fact, he could have brought in an amending Bill in order to give adequate representation to the Muslim community, because he knows that they are not adequately represented in the Corporation. Yet he thought that this measure was very much more important than other measures. I hope that the Hon. Minister for Local Administration will not go away with the idea that the people of this Province are really anxious to have the elections this year postponed. Even if the Hon. Minister is anxious to have simultaneous elections held next year or the year after next, let him not postpone the elections this year. Let him have the elections this year and he may consider the question of simultaneous elections later on. If he is not prepared to hold the elections only for fifteen seats this year, let him forthwith dissolve the Council and have the elections for all the seats. I am not going to throw a challenge now, but I am sure that if he does so, he will give proof of his contention that his party is not afraid of the coming elections. If he is sure that his men will get elected, why should he not have elections this year? On the other hand, if he thinks that it is better to have simultaneous elections next year, it will certainly not redound to the credit of his party. I, therefore, oppose this motion for the consideration of this Bill."

* SRI T. T. KRISHNAMACHARIAR :—" Mr. Speaker, the Hon. the Mover of the Bill has always indicated that the constituency which I represent here is opposed to the Bill before the House and I have got a mandate from them to oppose it. Speaking for myself, I have no interest in the Corporation, no more interest in it than as a rate-payer. I do pay my rates regularly but I do not get the services for it. I think it would be better if we introduced a clause in the Bill taking power for the Government to dissolve it whenever they find it necessary in the interests of the tax-payer to do so. A sort of Damocles' sword hanging over the Corporation! It is, as it is now, because so far as the Corporation is concerned, the man in the street, the rate-payer, whom the Corporation serves, is generally indifferent as to who comes or who goes. All parties are alike to him—whether it is the Justice party to-day and the Congress party to-morrow or the Congress party to-day and the Justice party to-morrow. It is all the same. He gets the same amount of service from them. I have no political or special reasons in opposing this particular measure except on its merits. I do not feel that the Hon. Minister has made out any devastating case for a change. The tendency in modern times in all democratic institutions, particularly in institutions which have got some kind of administration to carry on, is not to change the whole personnel all at once

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but to change a third of the personnel in a third of the lifetime of the institution, so that the experience gained by the people may be available to the city in its administration. That is a principle which has not been fully tried out. There is nothing wrong in that principle. That principle is adopted for the Upper House of our Legislature. It is increasingly coming into acceptance. I do not see that the Hon. Minister has made out any case for a departure from the principle which appears wholesome in theory while there has been no instance afforded to us to show that it has been wrong in practice.

"I shall not, Sir, attribute any motives for making this change. It may be that the Hon. Minister thinks that the other system is better. But is it necessary for the Corporation to be troubled by changes like this frequently? Somebody else some time back thought that the system of holding simultaneous elections was wrong. After all, Sir, it is a great strain on the city. For one thing, I know how people get excited when elections to all the divisions are held at one and the same time. Nowadays Corporation elections go unnoticed: not so many cars moving about and no vigorous canvassing. It is all done in the locality and people outside do not know anything about it. Therefore, Sir, I do feel that no strong case has been made out for a departure.

"After all, the objection taken here is that the election should be held immediately if the system is going to be changed. There is some logic in it. There is also some logic in putting off the elections till 1941, so that members who were elected last year may have a chance of serving for three years. If it is considered arbitrary that people who were elected last year will have to go out this year, the other thing also is equally arbitrary. I think there is no logic in putting off the elections till 1940. Elections may as well be held in 1941 instead of in 1940. As it is, Sir, I think the Bill is unsatisfactory and since I have got a mandate from my constituency, I have to oppose it with all the vehemence at my command."

* SRI N. S. VARADACHARI:—"Mr. Speaker, I must state at the outset that I am not a Member of the Corporation and that is a very good reason for my supporting this Bill. There is another very good reason for my giving my hearty support to this Bill. Before passing on to that, Sir, I would like to tell the hon. Member for the South Indian Chamber of Commerce here and the hon. the Leader of the Opposition that the Member representing the South Indian Chamber of Commerce in the Madras Corporation hardly attends any meeting of the Corporation. I wish these gentlemen take some interest in the matter

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and make their representative attend the meetings regularly and take as keen an interest in the Corporation affairs as he ought to evince. I would also request, by the way, these hon. Members to induce the South Indian Chamber of Commerce to get into touch with the merchants and ask them not to obstruct the progress in regard to the removal of encroachments, as it is within their province to look into this matter and co-operate with the Corporation.

" I now come to my main reason for supporting this Bill. I have been a Member of the Corporation of Madras for some years. Some other Members here who have been Members of the Corporation will bear me out when I say that the services which the Corporation renders are of great value. They are not, as Mr. Krishnamachari put it, of no value. But the value of the services is considerably diminished by the fact that votes in that House are always taken on small issues and never on big issues. No Member of the Corporation during the period of my tenure of office there has ever exhibited, and the several groups too have never exhibited, that amount of zeal and interest which they ought to exhibit in the issues which affect the administration of the Corporation as a whole.' I will give you some instances. This very periodical election aggravates the evil. Take the problem of water scarcity, for instance. As soon as the Commissioner proposes that 242 tube wells may be put down in the City this year, there is a scramble as to where the wells are to be sunk. Naturally first attention is given to those Members whose terms of office expire this year. They really may not care at all as to which part of the City suffers from serious water scarcity; they only want to take credit for the number of wells sunk in their divisions just before the elections come on. The evil is very much aggravated in divisions for instance where the problem of encroachment is an acute one and where the South Indian Chamber of Commerce ought to help and help actively. Supposing for instance an election is due in China Bazaar ward, you will find any number of resolutions being tabled on that subject. I have seen that when elections of prominent Members fell due that year, resolutions standing in their names were tabled asking for the suspension of resolutions in regard to one or two matters affecting their divisions. It is a serious matter for the Members of this House and I think it requires a thorough reorganization of the administration of the Corporation and even the constitution of the Corporation as it at present obtains so that these defects may be remedied. I have raised these points very often in the Corporation and I wish the Member for the South Indian Chamber of Commerce had been present there and supported me in those matters.

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" I will now come to another matter. Take for instance the question of the number of lights to be put up in particular divisions. In divisions where elections are due in a particular year, someone comes up and says that ornamental lights are there before particular temples and ornamental lights are not there before particular mosques. I have protested vehemently with all the force at my command against this abuse of money, against this extravagant and wasteful expenditure of money on ornamental lights. Yet you will find scores of Members bringing up their demands if it was election time that year. Again, Sir, Members press for the opening of reading rooms and dispensaries. All this is absolutely wrong and opposed to proper policy. If the Corporation is to be taken as one institution and policies shaped and put into effect with reference to the Corporation as a whole, I think that the system that the Hon. Minister now proposes will be more conducive to the welfare of the Corporation than anything else. If for instance there is an election from the South Indian Chamber of Commerce I know what interest they evince in the collection of property taxes. But in the proper revision of the property taxes there is no co-operation forthcoming and every effort is made to influence the Commissioner to reduce the assessments wherever possible. I have fought against this in the Corporation and I think this is the strongest case that can be made out for holding the elections all at a time so that the parties may reorganize properly and fight issues properly. It is not one reading-room in Mr. Hameed Khan's division or in Mr. Rangiah Nayudu's division that matters; but it is large and wide problems. The Standing Committees have no time to look into them, because most of the time is taken up often in looking into tenders and disposing of them and in looking into small and minor details and not into the Corporation's policy as a whole. There is no corporate atmosphere in the Corporation. Every individual is attempting to get something done for his or her division. The whole thing is wrongly conceived. If there is to be a re-orientation of policy, the best thing will be to order simultaneous elections so that the parties may organize themselves in a proper manner and put forward a consolidated constructive programme which will provide for all matters, for instance for the repair of roads on a certain well-defined basis, that is to say, if a road is repaired this year, it should be repaired at the end of the second or third year according to the type of the road. That never obtains there.

" I know the Commissioner's difficulties. He is pulled this way and that. Every councillor whose election is coming, puts utmost pressure on the Commissioner to see that assessments are reduced in his division, or that hospitals are opened, or one more school is added or a particular house is demolished in order that

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the road may be widened. All this is wrong, radically wrong and this state of things should be remedied. The Leader of the Opposition and the hon. Member representing the South Indian Chamber of Commerce should promote this very necessary reform."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"Mr. Speaker, the main reason set forth in the Statement of Objects and Reasons for the promulgation of this Bill is the fact that the Corporation has made a request for the alteration of the existing law. The Hon. Minister for Local Administration has stated that this request of the Corporation has been supported by an overwhelming majority. I can understand the request of the majority if it had been made to the Government of Madras before the elections held in the year 1938, before the disillusionment which the Congress Party had last year. Consequent on the result of the last year's elections, the majority of councillors who have made this request are very much afraid of the elections this year. What is the request of that majority, the overwhelming majority? What does it mean? Certain councillors—a group of them, a certain section—are losing their seats by efflux of time on 1st November 1939 and they make a request for the extension of their own terms—a request for extending to them one more life, a request for a favour. This request comes because of the last year's experience, because of a fear arising in their minds that they cannot go back to the electorate with any hope of being returned to the Corporation. Is such a request by a majority of the Corporation councillors worthy of any consideration at all? Next the Hon. Minister for Local Administration stated that this proposal of the Government had been supported by three out of four Chambers of Commerce consulted in Madras. What have Chambers of Commerce to do with regard to this Bill? The Bill is meant to affect the councillors of the Madras Corporation representing 45 divisions in the City, 15 of whom have to lose their offices this year, 15 of them next year and the third 15 lose their seats in 1941. It is not as if this Bill is going to affect the representation of Chambers of Commerce in the Corporation. They are not the bodies which are concerned with the Bill. They are not the persons from whom advice should be taken on a matter like this.

"It seems to me that the argument advanced for the request is not a good one, that Corporations in other Provinces have the privilege of triennial elections and that the Corporation of Madras has annual elections. We were told that we should fall in line with the other Corporations in Calcutta, Bombay, Karachi and other places. Arguments can be advanced for both sides, for annual elections and triennial elections. The main object of

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election is to send proper representatives of the voters to the Corporation. It does not matter whether the election is held every year or once in three years. If election is held once in three years for one-third of the members, there will be continuity of object, continuity of policy and continuity of purpose. Arguments can be advanced to any case. It seems to me that the arguments advanced for any alteration by the hon. Parliamentary Secretary, Mr. Varadachari, are the most untenable. His speech was an arraignment of the Councillors of the Corporation, a charge against the representatives of the people on the Corporation of the metropolis, against the City Fathers of the main city of the Province. He said that not one of them had any responsibility and that they were actuated by personal motives and that they were never concerned with any public object; individual things were their concern. That was this argument. In pursuance of that policy, what do they do? What are the consequences? There are 15 corporators who will lose their seats in a particular year. Those particular divisions receive particular attention to the exclusion of 30 other divisions in the matter of water-supply, in the matter of lighting, in the matter of libraries, in the matter of schools, in the matter of encroachments being removed. That may be so. It may be that partiality is shown in the year 1939 to corporators of divisions 15, 17, 19, etc. What happens next year? Another rotten set of 15 councillors lose their seats next year."

MR. SPEAKER:—"It is not proper to say 'rotten' councillors."

* SRI N. S. VARADACHARI:—"On a matter of personal explanation, Sir. I never said that the Corporation Councillors did not do any service at all. I said there was a tendency to favour those divisions because of this system of elections for particular divisions. They pay much attention to the remedy of small grievances in order to get through the election."

MR. SPEAKER:—"The hon. Member (Sir Pannir Selvam) is not right in interpreting the speech of Mr. Varadachari to mean 'rotten' set of councillors. It is not fair to say so of the Corporation Councillors."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I withdraw that remark in the sense that the councillors are really actuated by public policies. It may be that 15 divisions receive particular attention this year: Next year—1940—another set of 15 divisions receive special attention. In the year 1941 the third set of 15 divisions receive attention. It seems to me that this is not at all a great evil. But assuming that what Mr. Varadachari wants is done, what will be the result? If the elections are held for all the divisions together in a particular year, there will

be many flag-hoisting ceremonies, other demonstrations and some tamasha. Then every one of the 45 councillors will press the Corporation Commissioner for small things. The Corporation Commissioner will be able to help 15 councillors every year in rotation. But if all the 45 councillors press him all at one and the same time, none of them would receive any attention. Considered from that point of view, annual elections are much better than triennial elections. I hold no brief either for the one or the other.

"It is proposed to extend the period of office of councillors whose terms expire from 1st November 1939 to 1st November 1940. I ask the Hon. Minister this question. They were elected in the year 1936. The electorate who elected them did so for a period of three years. Do not their terms expire in 1939? They have no right to represent the electors beyond 1st November 1939. If they did so, it would be a breach of trust by the elected to the electorate. They cannot represent the electorate; they cannot represent the interests of the residents of the City; they can represent perhaps the Hon. Minister for Local Administration or the Government or perhaps even this Legislature. But certainly they cannot represent the interests of the citizens of the City. You are extending the period of particular councillors and curtailing the period of other councillors. In one case you are extending the period and those councillors do not represent the people of the City. In another case you are cutting short the period. As the Leader of the Muslim League stated, if you want to have triennial elections, hold the elections simultaneously this year itself. You are anxious to extend the terms of the councillors, which expire in 1939. Is there any special reason? Yes, the majority of councillors of the Congress Party lose their seats this year. Therefore you are not holding elections this year. Is there any relation between this Bill and the statement made by the Hon. Minister for Local Administration at a meeting? He is reported to have stated that the Congress is losing the confidence of the urban areas, while rural people still repose trust in the Congress and look to the Congress Ministry to ameliorate their condition. Would it be uncharitable if I ask him if he associates himself with the statement he is reported in the press to have made, and if it has to do anything with the Bill which he now introduces? He says that in the urban area of the most important City of the Province, we shall not have elections this year. It may be that the Congress Party has been returned by the people to this House in an overwhelming majority. I do not deny it. They are here in large numbers. Even yesterday the Hon. Prime Minister stated that, by their sacrifice, by their labours, by their work and by winning the confidence of the people they had been returned to the House. I admit the fact that they have an overwhelming majority. Whether I agree with those causes or not,

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the fact remains that they are in power; they have been in power for two years. The metropolis of the Province, the metropolis of any country is almost the political heart of the country from which political blood goes out to the various parts of the country. What Madras may lead, the other districts in the Presidency will follow. What Bengal thinks to-day, the rest of the Province will think to-morrow. (A voice: 'Question.') A little more experience of historical facts would prove the fact. The Congress has been in office in the Madras Province for two years. Almost every day there have been many public functions, there have been many public activities. Every day Congress leaders have been coming from the north. Things have been going on like this. Compulsory introduction of Hindi and the consequent enforcement of the Criminal Law Amendment Act have been most vigorously pursued. I do not question the legality or the propriety of enforcing that Act. There has been Congress rule for two years. A book on 'Two years of Congress Rule" has been published. I do not know if they are 'two years of Congress rule' or 'two years of Congress misrule.'

"Well, Sir, let there be a chance given to the country to see whether in these two years, there has been Congress rule or Congress misrule. This is the opportunity for it to be done. Why are you afraid of facing the electorate? If you are really confident of public confidence in you, why not face the electorate in the City; the people of the City are the real people who will elect a good number of people to this House also. May I not ask whether you are not running away from the electorate not only by postponing the elections by one year but by altering these elections from annual elections to triennial elections? Well, Sir, all that I can say is that you can put it off for some time, but you cannot put it off for ever. You will have to face the electorate some time or other, sooner or later, and the lesson will be taught to you then. Therefore, Sir (Interruption). I merely heard some noise; I did not hear the remarks well. Therefore, it seems to me, Sir, that this Bill is certainly not a proper measure, that the life of the Corporation Council should not be interfered with, that the Government should take courage in both their hands and face the electorate after two years of their office."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Mr. Speaker, let me invite the attention of this House to the history of this proposal that we should have all elections conducted once in three years or five years, as the case may be, instead of having annual elections. Sir, even within three years after the Act of 1919 was passed, the Corporation appointed a committee to scrutinize the difficulties in the administration as well as the election provisions of that Act. Sir, I was not a member of the Corporation at that time but the records show that the committee recommended

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that the annual elections should be given the go-by. Next, Sir, a more representative committee was appointed in the year 1924 by the very Council of the Corporation and it recommended that the elections should be simultaneous, once in three years. Sir, I had the privilege of introducing a Bill at the time, and in that connexion it was provided that the annual elections should go and there should be elections once in three years. The Hon. Dr. Subbarayan introduced a Bill, and in it there was included a provision for extending the term of the councillors from three to four years, and in it there was also a further provision . . ."

MR. SPEAKER:—" I suppose he did not introduce that Bill during his tenure of office as Congress Minister? "

BASHEER AHMED SAYEED SAHIB BAHADUR:—" That was in the year 1929. He was then the Minister for Local Self-Government. Subsequently, the then Minister, Hon. the Raja of Bobbili introduced a Bill in which he introduced a similar provision that elections should be held not annually but once in five years. Now, Sir, I must in all humility say that the theory of continuity of policy by means of these annual elections is an exploded myth. The very constitution of the Act, the very rules made under the Act, negative that continuity of policy in the Corporation. Sir, if I may venture to say so, I have been in the Corporation for ten years—a decade—and my experience tells me that there has been at no time any continuity of policy. The provisions of the Act definitely give the right to 21 councillors to get a resolution amended on notice being sent to the Mayor or the President, as he formerly was called, and this thing has been *happening ad nauseum not only then but also in recent years*, and even to-day. Sir, questions of policy are never permanent; you cannot be sure of them. One system is brought into vogue one day, and within two or three weeks, the entire thing is scrapped by the very same Council. Sir, it should not be said, as has been argued—I should say without any progress whatsoever—that politics should not be introduced in the Corporation Council or in the municipalities and that politics should be kept as far away as possible. My European friends have always been urging that principle, but I think they were the worst sinners. Journalists who used to say that politics has got hold of the Corporation and that nothing is being done by the Corporation except discussions of politics, may I remind such critics as to what is being done in the Mother of Parliaments in England, most of the procedure in which we imitate here in this country? Nothing different takes place there. The Labour Party contests the elections on the labour *ticket and the other parties contest on their own tickets* in the borough or city councils, just in the same way as we do here in this country and whenever any party comes into power, they run the elections and they run the administration for three or five years; they run the boroughs or the corporations during that

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period. Similarly here, and that system has not led to any unsatisfactory results there.

"On the other hand, I think the present system in our City is rather unique in the whole country. The Bombay Corporation has not got these annual elections; the Calcutta Corporation which is a much bigger corporation has not got these annual elections. If there is really any substance behind the argument that the annual elections would result in continuity of policy, surely such a system should apply to the much bigger corporations of Calcutta, Bombay and Karachi. But I venture to submit that it would tend to some continuity of policy at least, if elections are held once in three years. If one party organizes itself well and another party also organizes itself against the other party, well then, one party is bound to get a majority and for at least three years that party would have some one policy and one programme; and there won't be a policy or programme to be changed from meeting to meeting. Sir, if you read the discussions at meetings of the Corporation, you will see they do not enlighten us about anything. I say it is an exploded myth to talk of continuity of policy being secured by these annual elections of a certain proportion of the councillors. It is certainly not to be supported or allowed to hold water any more.

"Sir, the member representing the South Indian Chamber of Commerce referred to the analogy of the Second Chamber under the new constitution. I submit, Sir, that that analogy does not hold good. There it is intended for other purposes, purely political purposes. If it is conceded that the Corporation should have nothing to do with politics, that it must be purely a civic body, I would say that then the question of continuity of policy through annual elections ought to be ruled out altogether. It cannot hold any place. I submit that there have been cases where this theory of continuity of policy has been proved to be futile. Indeed, in the Statement of Objects and Reasons, it is stated that it did not fructify. It is quite rightly observed there that that theory did not materialize. It is impossible of materialization in the circumstances in which it is being worked in this part of the country. Why should the Corporation stand on a different footing from the rest of the municipalities in this Province? That question has remained yet unanswered.

"Then, Sir, the member for the Chamber of Commerce stated that there should be a devastating case made out for a departure in the theory. I do not know why it should be so. The Act has been in existence from 1919 to 1939, and experience has shown that in these twenty years of its working, there has been no substance in this theory of continuity of policy through annual elections. I want the House to be just and reasonable and to consider whether it will not be more desirable that this new theory of continuity of policy is secured by triennial elections which may be tried. I do not see why we should not experiment with this new theory.

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" Again, with regard to my friend's remarks that we should have elections this year, certainly, if it is possible, nothing prevents the Government from having elections to the Corporation this year itself; but perhaps the pre-occupations of the Government do not permit them to arrange for these elections in the City this year. It is in the very interests of the councillors themselves that some time should be given to them by postponing the elections, especially in the case of those who have served only for a short term. I do not think there is any selfish motive in this proposal and there can be no basis whatever for such a motive. I think the Government would be well advised to hold the elections this year, if they can possibly do so; but may I submit, Sir, that from the discussions I have had outside, I find that the very councillors who speak here for elections being held this year are really of opinion that they should be postponed till 1941? (Laughter.) What is the motive behind that, I ask? That means, I take it, that they themselves want time. So, it is only natural that the Government also should have some time; and even if the Government decide to-day that it is best to have the elections now, I think they cannot do so; because the electoral rolls have to be prepared, so many preliminaries have to be gone through and satisfied before elections can be held satisfactorily. And probably administrative difficulties also stand in the way of the Government having the elections this year. I hold no brief for the Government; they will, I am sure, be able to say why they are not able to fix the elections this year; it is their lookout.

" The member for the Southern India Chamber of Commerce stated that the Government may take power to dissolve or supersede the Corporation, considering the unsatisfactory manner in which it has worked for the past four or five years. Sir, very many factors might have contributed to that result and probably the citizens themselves are in a way responsible for the unsatisfactory state of affairs. As pointed out by the hon. non-Muslim Member for the City of Madras, one of the representatives of the South Indian Chamber of Commerce failed to do his duty; but I must say that the member in this House who represents the South Indian Chamber is not the identical person who represents the Chamber on the City Council. They are two different individuals; I do not wish that members should go away with the impression that Mr. Krishnamachari is the representative of the South Indian Chamber of Commerce on the Corporation Council. He has not been in the Corporation and he is not their representative there now. Certainly there may be a time, if the administration of the Corporation is to continue in the manner in which it is now administered, when the Government probably might take power to dissolve or supersede the Corporation; but I do not think that such a state of affairs will ever arise. Anyway, that is no argument for saying that this Bill is unnecessary and is of no use. This Bill covers an altogether different ground; it is not the same identical ground of dissolving

or superseding the Corporation. I therefore think, Sir, that this is an experiment worth trying, since the other experiment of having annual elections has failed altogether, and that we should give our support to the present Bill."

* SRI G. RANGIAH NAYUDU :—" Mr. Speaker, I have been in the Madras Corporation as an elected member for the last fifteen years; my friend Mr. Hameed Khan also has been there for the last sixteen years; he came earlier than myself. I came in 1925; he came in 1924, if I remember correctly. My friend the Kumararaja of Chettinad was also there for six years, I think as a nominated member, and he was Mayor for two terms. So, my friend Mr. Hameed Khan and the Kumararaja have both known the difficulties of adopting the rotten system of annual elections, the difficulties that have to be undergone by the public and the Corporation and the members of the Council; they are simply miserable. Every year we had to go to the officers and beg them to provide something for our divisions, because our elections were coming that year. Sir, councillors go to the officers foregoing their respect and dignity and beg them to provide some things for their division on the eve of the elections; of course there are some councillors who are respectable and the officers themselves approach them and say, ' Sir, the election to your division is coming this year, may I do anything for you? ' " (Laughter)

ABDUL HAMEED KHAN SAHIB BAHADUR :—" I am sorry that my friend suggests certain things about officers in the Corporation who are not here to defend themselves."

MR. SPEAKER :—" Officers as well as members of the Corporation. I think it is not fair that the hon. Member should bring them so low in public estimation."

* SRI G. RANGIAH NAYUDU :—" One member of the Corporation is here, another is there and everywhere in this hall you find members of the Corporation." (Laughter)

MR. SPEAKER :—" I think the hon. Member may proceed with the rest of his speech."

* SRI G. RANGIAH NAYUDU :—" Sir, my hon. Friend, Mr. Hameed Khan, knows that it is on account of this system of rotational election that so many wrongs are being committed in the Corporation. So, Sir, in consideration of all these difficulties, a resolution was passed by the Corporation Council in the year 1938, to the same effect. I think it was Mr. Satyamurthi, the Leader of the Congress Municipal Party, that moved it. It was sent to the Government for consideration. Again, Sir, this rotational system of election is not in vogue anywhere in the country; it has not been practised either in the district municipalities or in the district boards. There is no other Corporation in the whole of India which has adopted this system. There is no such system either in Bombay or Calcutta or anywhere else except in Madras. I do not know

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the reason why the subsequent amending Acts did not rectify the matter. There was an amending Bill in 1936 which was passed by the Hon. the Raja of Bobbili and my hon. Friend, Mr. Basheer Ahmed, said that this matter was considered at the time, but I do not know why this was not included in it. However, that may be, Sir, the same system has been continuing even now.

"Then, Sir, my hon. Friend, Mr. Hameed Khan, said that the Congress Municipal Party were afraid of the elections because the Congress Municipal Party had become unpopular in the City. How can he say that? Let him lay his hand on his heart and say that the Congress Municipal Party has become unpopular in the City. It is not so. I have known the City much better; I know the mind of the electorate, because I am a person moving throughout the City; I have been going from street to street and from house to house making inspections and I know the work of the Corporation because I have come in close touch with the officers and others. I dare say there is no other member of the Corporation Council who has gone from door to door and from street to street and seen things like myself (pointing out to Mr. Hameed Khan). It is the Congress that has done . . ."

Mr. SPEAKER:—"I do not think such challenges are proper."

* Sri G. RANGIAH NAYUDU:—"He gave that challenge, Sir."

Mr. SPEAKER:—"It is very improper to point fingers at hon. Members in a challenging manner and the hon. Member should not do it. It may lead to riots in the House and the Chair would have to intervene at that stage." (Laughter)

* Sri G. RANGIAH NAYUDU:—"But my hon. Friend, Mr. Hameed Khan, made such a challenge, Sir."

Mr. SPEAKER:—"But that was verbal; this is physical." (Laughter)

* Sri G. RANGIAH NAYUDU:—"Coming to the point, Sir, even members of the mixed party in the Corporation now want this system of election; they say that the system proposed in the amending Bill is a very good one. The only thing that is required in it is that the time of the next elections should be extended up to the year 1941 because 1940 would be too short and members elected in October 1938 will have to lose one year if elections are going to be conducted in 1940; and if the elections are conducted this year, some members will lose two years. It will be an advantage only to those who were elected three years before. Certainly we do not like that some members should be benefited while the others should lose and so it would be very convenient if the period is extended up to 1941. I know, Sir, no

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member of this House has so far given notice of any such amendment so that the time of the next election may be extended up to 1941 and I do not know whether amendments will be accepted now or not."

MR. SPEAKER :—" Is the hon. Member going to give notice of an amendment of that type? "

* SRI G. RANGIAH NAYUDU :—" Yes, Sir, for the benefit of those members who will lose one year."

MR. SPEAKER :—" On account of the opposition that is now raised to the present Bill? "

* SRI G. RANGIAH NAYUDU :—" No, Sir, even members of the opposition party in the Corporation want the time to be extended up to 1941."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" It is not correct, Sir."

* SRI G. RANGIAH NAYUDU :—" It is true, Sir. There is also another point I wish to deal. It was asked, why should politics come in a civic body? Every house discusses politics; politics has invaded every house; even our wives discuss politics; brother and brother discuss politics; daughter and father discuss it; in every nook and corner there is politics. Without politics there is no street and there is no institution without it. (Mr. Speaker: 'No civics.') Sir, the Corporation is a *quasi* Government; it has got connexion with the Government; therefore it is practically a Government institution and when such is the case, how can my friend say that politics should not come in there? Politics should be everywhere and without politics there is no society at all in the world. Society wants politics; society wants divisions; society wants social affairs to be discussed. Everything is wanted by the society. When such is the case, I am surprised at my friend saying that politics should not find a place in a civic body like the Corporation. Though we are all Indians, there may be several parties, for instance, there may be the Justice Party, the Liberal Party, the Muslim Party and the other the mixed party—as there is one such in the Corporation—and when an occasion arises, all parties should unite together and put up a strong fight against the common enemy. Congress is not your common enemy . . ."

MR. SPEAKER :—" I think the hon. Member is going farther away from the Municipal Bill."

* SRI G. RANGIAH NAYUDU :—" I hope, Sir, my hon. Friend, Mr. Hameed Khan, will in future at least co-operate with us. In this case, Sir, this Bill is beneficial to everybody. It will remove all the difficulties. I therefore make an appeal to my hon. Friend, Mr. Hameed Khan, through you, that since he has been a member for the last 16 years, since he has been doing so much good work for the City he should influence ...

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party to co-operate with the Congress Party and see that things are made amicable in civic as well as in political matters. The Congress Party is not a new thing; Congress has been there for so many years and my hon. Friend was once a member of the Congress and but for the Congress he would not . . ."

Mr. SPEAKER:—" I think the hon. Member must be called to order."

* Sri G. RANGIAH NAYUDU:—" If the House accepts any amendment I am prepared to give notice of an amendment that the elections should be extended up to 1941."

Mr. SPEAKER:—" There is no such amendment for the House to accept. The only motion before the House is the consideration of the amending Bill."

* Sri G. RANGIAH NAYUDU:—" If permission is given by the Chair to give notice of an amendment, I shall give one."

Mr. SPEAKER:—" This is not the time when it should be asked or answered by the Chair."

* Sri G. RANGIAH NAYUDU:—" So, Sir, I strongly support the Bill and commend it for the acceptance of the House."

The Hon. Sri B. GOPALA REDDI:—" Sir, I expected that this Bill would be a non-controversial one because there was no amendment tabled in regard to the motion. But now I find that a large number of speakers have participated in the debate for and against the Bill. Some hon. Members have objected to the principle of the Bill, some for the adjournment of this year's elections and I propose to deal with both these points.

" I do not know, Sir, whether Mr. T. T. Krishnamachariar was definitely given a mandate by the Southern India Chamber of Commerce to oppose the Bill and as Mr. Basheer Ahmed said he is not representing the Southern India Chamber of Commerce on the Council of the Corporation. Diwan Bahadur M. Balasundaram Nayudu is representing the Southern India Chamber of Commerce in the Corporation and I may give for the information of this House that he has supported this Bill. That is a point in my favour also. When such is the case I do not know why they say that the Southern India Chamber of Commerce is against it. I now find from the list given to me by the Commissioner of those who voted for or against it . . ."

30 m. ABDUL HAMEED KHAN SAHIB Bahadur:—"May I submit, Sir, that it is the City Municipal Amendment Bill that is being considered by this House and the member representing the Southern India Chamber of Commerce here is not Mr. Balasundaram Nayudu but Mr. T. T. Krishnamachariar."

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* SRI G. KRISHNA RAO:—" On a point of information, may I ask, Sir, if it is necessary for the Hon. Minister to discuss about the status of a particular member of the opposition in this House when criticism is made on a particular measure; I ask, Sir, whether it would be necessary to say what status he has or what qualifications he has for making it? "

MR. SPEAKER:—" He did not discuss the status of the member. Every member of this House is entitled to discuss every question that is relevant to the Bill under consideration."

* SRI G. KRISHNA RAO:—" But, Sir, there is no need to discuss who Mr. T. T. Krishnamachariar is; or to . . ."

MR. SPEAKER:—" Everybody knows who he is."

* SRI G. KRISHNA RAO:—" To discuss whether he has a right to discuss the matter."

MR. SPEAKER:—" He has every right to discuss and the Hon. Minister never said that he has no such right. He says that he does not represent the Southern India Chamber of Commerce in the Corporation."

* SRI G. KRISHNA RAO:—" I may not represent the Southern India Chamber of Commerce in the Corporation, but still can I not speak on a measure before the House? "

MR. SPEAKER:—" It is a statement of fact made by the Hon. Minister."

SRI G. KRISHNA RAO:—" But I am afraid that there is something in it which is not quite comprehensible."

MR. SPEAKER:—" The Chair cannot divine anything incomprehensible behind a mere statement of fact. The Hon. Minister may go on."

THE HON. SRI B. GOPALA REDDI:—" I only mentioned this because the hon. Member said that he had a mandate from his constituency and I am only stating that the member representing that particular constituency in the Corporation of Madras is Mr. Balasundaram Nayudu and he has voted for the Bill. That is a matter which I want to place before the House.

" Sir, it has also been stated that because the Congress Party is in a majority in the Corporation Council, they got it passed somehow. I beg to state that there are seven non-Congress members who supported the Bill as against nine members who voted against the Bill. The difference is very small. I shall expose the hollowness of that plea by stating that, seven non-Congress Councillors including, shall I read the names, Sir? "

MR. SPEAKER:—" Not necessary."

THE HON. SRI B. GOPALA REDDI:—" Including European members and also the member representing the University of Madras. These have voted for the Bill and they are not of the

Congress persuasion; they may be expected to exercise an independent outlook upon the position and they are not guided by any party politics or by the fact that the Congress was defeated in 1938, which again is not as they would like to have. On the merits of the Bill itself they have voted for the Bill and those who are for the Bill are 28 as against 9.

"There is also another curious coincidence in that Mr. Hameed Khan who has been so eloquent this evening in his opposition to the Bill failed to be present on the day on which this question was taken up by the City Corporation." (Hear, hear.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I do not know what great sin I have committed if I was not present at the time when this matter was taken up by the Corporation Council. I knew that the Congress Party there was in a position to bring any subject at any time and get it through."

MR. SPEAKER:—"That is a personal explanation."

THE HON. SRI B. GOPALA REDDI:—"I expected him, Sir, as the leader of the United Nationalist Party or whatever party it is called, to be present."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am sorry Sir, that my hon. Friend occupying as he does the position of a Minister could characterize the party in the way he has chosen to do by calling it 'whatever party'. I suggest to him that it would be better to learn the name and mention it. There is no use in his saying like that."

THE HON. SRI B. GOPALA REDDI:—"Mr. Gadde Rangiah Nayudu called it 'the mixed party' and some other hon. Member called it 'the united party' and not knowing what exactly the name of that party was . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"There is no such name as Mr. Gadde Rangiah Nayudu chose to give to the party and he used it in a different sense. I think that it does not become him to make such references."

MR. SPEAKER:—"I do not think that this matter should be pursued any further because no imputation was sought to be attributed to the leader of any party anywhere either in the Corporation or in the muncipalities."

THE HON. SRI B. GOPALA REDDI:—"I failed to follow the arguments of my hon. Friend, Sir Pannir Selvam. At one stage he advised that in a civic body like the Corporation, we should not introduce politics and that elections must be run on purely civic lines. He said that All India Politics or local politics should not be imported into the Corporation elections.

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But then he said, 'Here you are; you have been given two years; why do you not make it an issue in your 1939 elections and get your victory?'."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I only suggested that you can take advantage of the elections coming off in 1939 and prove the popularity or otherwise of your continuance in office by facing the elections."

THE HON. SRI B. GOPALA REDDI:—"Whether our Government has been popular or not would be quite evident from the results of the bye-elections that have so far taken place. (Hear, hear.) Only yesterday . . ."

AN HON. MEMBER:—"Not in Madras."

THE HON. SRI B. GOPALA REDDI:—"Not alone in Madras but everywhere, we are popular. It is not in a spirit of bravado that I say this; I may tell this for the information of all hon. Members that I had been in that constituency for a few days and from what I saw and from the results, I am definitely clear about our position and confident of our popularity. The issue had been placed before the electorate; they had been told that we had been in office for the last two years; we have passed the Sales Tax; we have passed the Tobacco Tax; we have taken up the question of temple entry and we have passed the Debt Relief Act and we are going to enact the Zamindari Tenancy legislation. All these were before the eyes of the people and they voted for us. What was the result of the election? It is not a small margin. The Congress candidate got 10,000 votes, while Mr. Simhachalam who is a friend of the Leader of the Opposition secured only a thousand. The results are convincing and the previous bye-elections, five in number, have been no less remarkable. I want Members of the House to read a lesson from out of the results of the bye-elections and see things in a proper perspective; let things be viewed in their proper setting. I want further to say that there are certain municipalities and district boards for which elections are coming off during this year and I have not postponed the elections. All those that have been affected by the legislative measures of the Government, all those that are politically opposed to the party in power, the anti-Hindi people, the Muslim Leaguers, the anti-Tobacco Bill people or the anti-Sales Tax Bill people, let them all join together, let them organize themselves and give us a defeat. I invite them to organize and fight us; and I shall accept defeat cheerfully. Further, there is a bye-election coming off in South Arcot for the South Arcot Constituency for the Upper Chamber. Let them take advantage of it and prove that we are unpopular in the country. The result of the bye-elections are clear and if they tell any story, it only reveals that we are more popular than when we entered office in 1937. If the Opposition do not read the sign of the times, woe unto them. (Laughter.)

" Turning to the question of politics in civic affairs, I want my hon. Friend, Sir Pannir Selvam, to tell us definitely whether he wants the introduction of politics in civic matters or not. In the fullness of time, the party would not be ashamed to face an election on the strength of their record and on the strength of their past achievements in office and take the verdict of the people. But what I am concerned is that in one breath the hon. Member said that provincial politics should not be introduced into a civic administration and at the same breath, he wanted to make the general situation in the country an issue in the Corporation election.

" Mr. Krishnamachariar said that we have a system of rotational election to the Upper Chamber of the Legislature where one-third of the number retired at the end of three years. But I submit that what is good for the Upper Chamber cannot be good for the Corporation Council which is an administrative body. After all the Upper Chamber is a Second Chamber and a revising Chamber, if it is not a delaying Chamber. It is not any way an administrative Chamber. Therefore, the example of the Upper Chamber cannot be followed in the case of the Corporation Council for the reasons I have mentioned and there is no need to elaborate the point.

" The hon. the Leader of the Opposition said that the Minister in charge would feel repentant after a few months or a few years and he himself would bring forward legislation restoring rotational elections. If he was so convinced of the good of rotational elections—he was himself holding office when his party was in power and it would have been possible for him to have done it if he was convinced—why is it that he did not introduce it in municipalities and district boards? He was himself in charge of Local Administration and I would like to know the reason. If it is not good for Madura, if it is not good for Trichinopoly and if it was not good for Karachi and Bombay and Calcutta, how could it be said that it was good for Madras? My hon. friends Sri Varadachariar, Sri Rangiah Nayudu and Mr. Basheer Ahmed have explained the position and supported the system of election sought to be introduced by this Bill and I think I need not add much to it.

" Coming to the question of the postponement of this year's election, they have asked us why the 1939 elections have been postponed and Sir Pannir Selvam said that I am proposing elections next year because we lost some seats in the 1938 elections. Not only that, by having the elections in 1940, we were cutting short the life of the members elected in 1938 by two years. First of all, I will take up the question of how the Congress fared in the elections of 1938. It is not as if we had been routed in 1938. In 1937, we won ten seats as against five by all non-Congressmen

put together; and in 1938, we got six seats and all the non-Congressmen put together got nine seats. The Opposition seems to think that because they won some seats in 1938, they would win all the seats in 1939. I can only remind them of the English proverb that 'one swallow does not make a summer.' I am sorry that the Leader of the Opposition instead of discussing the merits of the Bill, attributed motives to us and said that we were afraid of the elections; that we wanted to run away from the elections; you are cowards . . ."

MR. SPEAKER:—"He did not use the word 'cowards.'"

THE HON. SRI B. GOPALA REDDI:—"At least, he said that we were running away from the elections. I ask him whether such adjournments are not unusual. Does he not remember that he received a communication from the Government in 1934 that an amending Bill being before the Government, the elections for that year were postponed, and elections were to be held the next year. I ask him whether he protested against the adjournment; I ask the Leader of the Opposition who was then the Mayor of the City Corporation, whether he protested against that adjournment. I ask Mr. Hameed Khan who then became Mayor in 1935 (An hon. Member: 'As a Congress Mayor') whether he protested against it. He took it cheerfully because it was his turn for becoming Mayor and the Leader of the Opposition took it cheerfully without any murmur. I want a definite answer from those two gentlemen."

MR. SPEAKER:—"You cannot have it in this debate."

THE HON. SRI B. GOPALA REDDI:—"So Hameed Khan became the Mayor during the extended life of a Council which avoided elections in 1934 November and the Leader of the Opposition took it coolly because it was done perhaps by the Leader of his Party. Now he opposes because it is done by the Congress party. Then, Sir, in other bodies also extensions of life are not unusual. Wherever there was a Legislative Council, the life-term of the Council was extended. The old Legislative Council in our own Province was to have three years of life. Kumararaja of Chettinad was elected in September 1930, but he held office till April 1937, which is more than six years, or rather six and a half years, as far as I could remember. And yet not once had he protested against these extensions of life and postponement of elections? The last Council of three years' life was extended beyond six years. No protestations were made; because it served their party, because it served the then Government running the administration of the province.

"Again, in the Central Assembly . . ."

MR. SPEAKER:—"I think you have nothing to do with the life or otherwise of the Central Assembly." (Laughter)

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THE HON. SRI B. GOPALA REDDI:—"The Leader of the Opposition was interested in the life of the Central Assembly."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, is the Hon. Minister right in referring to the life-time of the old Council, for which no one member here is responsible?"

MR. SPEAKER:—"At least the present Assembly may be said to be a continuation of the old Legislative Council, but the Central Assembly has nothing to do with this now."

THE HON. SRI B. GOPALA REDDI:—"I am not entering into the propriety of the extension of the life of the Central Assembly. I am only saying that the Leader of the Opposition was interested in the life of the Central Assembly as last time he set up a candidate of his party to that Assembly. But my point in referring to it is that nobody was interested in protesting against the extension of its life. Even while all the eleven seats were held by the Congress Party and not even one seat was held by the party which the hon. the Leader of the Opposition is leading, has he protested against the extension of its life? He has taken even then the extension coolly. So, extensions are not unusual; extensions are given due to exigencies of circumstances. When an amending legislation is before the House, it certainly requires some time to be given to the people.

"Sir, I was very sorry when Mr. Hameed Khan made a challenge to the Congress. He said, 'if you hold the elections in 1939 you will not get even one seat.' I am inclined to offer him another challenge: that if he resigns his seat in the Corporation to-day, he won't be returned." (Laughter)

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am prepared to accept his challenge if my challenge is accepted. If Mr. Satyamurti is asked to resign his seat and seek re-election, or if any other Congress Member is asked to resign his seat and seek re-election I am prepared to accept the challenge." (Loud and continued laughter)

MR. SPEAKER:—"I think this challenging must cease." (Laughter)

THE HON. SRI B. GOPALA REDDI:—"Sir, I am sorry I have made the challenge. My information is we will not be losing as many seats as Mr. Hameed Khan thinks. Perhaps during the last elections due to certain private and personal reasons it may be we lost some seats. And that does not mean we will be losing so in 1939. If the elections are held in 1939, the several parties will perhaps have no time to put forward a definite policy and a definite programme. I asked the Leader of the Opposition in the City Corporation Council whether he has placed any definite policy and any definite programme before the electorate, and he

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replied that he had not done so. Simply because in the last elections the Congress Party lost one or two seats it should not be construed as though the Congress has lost all popularity in the city. I submit that neither on principle nor on merits of the question any case has been made out by the Opposition, or the members who have spoken against the Bill asking the Government to withdraw the Bill or amend the Bill. The Kumararaja on the other hand would have the elections in 1939 and Sri Rangiah Nayudu would have them in 1941 and he would move amendments in that behalf and he argued, perhaps reasonably, that non-Congress people who were elected in 1938 would have only two years' life, whereas they were expecting a three years' life. So, between 1941, 1940 and 1939, I thought 1940 would be a reasonable date, so that those who were elected in 1936 would get a four years' life; and it is not unusual to have such a long lease of life for certain members as I have shown already how it was so in the case of the old Legislative Council. Barring that also, we have got the Karachi City Corporation with a five years' life and the Bombay Corporation with a four years' life, so that four years' life is not an unusual thing. Thus those who were elected in 1936 will get four years' life, those elected in 1937 will get three years' life and those elected in 1938 will get two years' life; and the elections may be held in 1940 without causing any disturbance to anybody. But the Opposition say 'if you are not willing to have the elections in 1941, have them in 1939.' I thought it would be unfair to all the divisions to hold the elections in 1939, for the parties have not sufficient time to run their candidates, nor is there sufficient time for the party machinery to be set in motion, and thus they would plead want of notice and want of opportunities to set up candidates and run the elections. Hence I pitched upon the year 1940 as the proper time for elections in all wards simultaneously. Therefore, for these reasons I commend the Bill for the acceptance of the House."

The motion that the Madras City Municipal (Amendment) Bill be taken into consideration was put and carried.

MR. SPEAKER:—"Does any Member want to move any amendment? Because, almost every hon. Member who took part in the debate spoke of moving amendments, though not seriously. (Laughter) If any hon. Member is very serious of moving amendments, the Chair will allow them and will waive notice. (Laughter) The amendments may be moved now. (After a pause) I think the Leader of the Opposition wants to move an amendment."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Yes, Sir."

MR. SPEAKER:—"The hon. Member may draft the amendment and move it now."

Clause 2.

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Yes, Sir, I move—

'*that in clause 2, for the figures* "1940" *wherever they occur, the figures* "1939" *be substituted.*'

"My object in moving is to enable the Government to have the elections in all the wards this year. I need not speak at length on this now, as I have spoken on it earlier stressing how necessary it is for the Hon. Minister to come forward and accept it if he is sincerely convinced of the position. My own view is that simultaneous elections in all the wards are not necessary; but if the Government are anxious to have them, they should ask all the 45 councillors to resign their seats this year itself and hold the elections this year itself. If he has administrative convenience at heart he should hold the elections this year itself and thus accept my amendment. He talked of causing inconvenience to certain divisions. When a great principle is involved, what does it matter if certain sitting councillors had only two years of life instead of three years? When certain principles are involved, why should he bother about a few individuals? For these reasons I request the House to accept my amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I beg to second the amendment, and in so doing I would like to mention that there will be no difficulty experienced in having the elections for all the wards this year itself. Already the Corporation is prepared to have elections in fifteen divisions, and there will be only thirty divisions remaining, that is, for one-third of the total divisions there will be elections and that being so, is it difficult to have the elections for the remaining two-thirds also? Further the electoral roll is already there, because it has been prepared last year, and it is only on the electoral roll prepared last year that the elections this year will be held. So even there, there is no difficulty. Then, thirdly, the Hon. Minister said that the parties in the Council will object on the ground of want of sufficient notice. Sir, on behalf of the Opposition party, I may tell my Hon. Friend, the Minister, that there will be no such grievance felt; in fact, I may say that on behalf of all the parties. Besides, the people are already ready for elections; the people in the street, or rather the electors are ready for the elections in fifteen divisions; and I am sure if to-day it is announced that for the remaining thirty divisions elections will he held this year itself they too will get prepared without any difficulty. Again, I do not take the view of the situation that the Hon. Minister envisaged. I may tell him, there is no use of saying what the electors may do or may not do. He may think he may sweep the polls, while I may think we may sweep the polls. Anyhow I am sure of this: two months hence from to-day, if elections are held nobody will feel any inconvenience on account of that. After all, I do not think there is any

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insurmountable difficulty in holding the elections in the third week of October. For these reasons, I hope the Hon. Minister will accept the amendment."

MR. SPEAKER:—" The question is—

'In clause 2, for the figures '1940', wherever they occur, the figures '1939' be substituted.' "

THE HON. SRI B. GOPALA REDDI:—" I oppose the amendment and while doing so I may say that I never pleaded administrative inconvenience for holding the elections in 1939. I submit that the electoral rolls are ready, the Commissioner is an able man and he can make the election preparations for all the 45 divisions in a week. I never pleaded administrative inconvenience, but the inconvenience of the candidates, the inconvenience of the constituencies or wards and the inconvenience of the Party machinery, to whatever party they may belong. So I cannot accept this amendment and if the elections were to be held in 1939, I must say that it would be a great inconvenience to the candidates and also to the thousands of voters who will be put to the trouble of going to the polls. As regards the Kumararaja of Chettinad, Sir, I may tell him that he has never had the experience of contesting an election either in the City or in the mufassal. He does not know what it is to go about because he always came in either by nomination or through an uncontested seat. Therefore, he is not an authority in that matter. There are candidates who hold different views in that matter and who know the difficulties, and I am afraid Kumararaja cannot speak authoritatively on that matter . . ." 6 P

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Mr. Speaker, Sir, is the Hon. Minister right in referring to these matters whether I am an authority or not? Is it not improper to make references like these? "

MR. SPEAKER:—" It is unnecessary to remark whether one represents a contested constituency or whether he has got experience of conducting a campaign. I put the amendment to the vote of the House."

" The question is that—

'In clause 2, for the figures '1940', wherever they occur, the figures "1939" be substituted.'

The amendment was put and lost.

Clause 2 was put and carried.

Clauses 3 and 4 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI:—" I beg to move—

' *that the Bill be passed into law.*'

" I expect the elections will be held in 1940 and I want all the parties to organize themselves before 1940."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Mr. Speaker, I cannot really understand my friend, the Minister for Local Administration, when he began to treat this matter as lightly as he has done and the manner in which he has spoken when he moved this motion for the third reading. Of course it is easy for him to take a light view of this matter, because he could do so, situated as he is and we do not take objection to it. But at the same time, it is always better for a person who occupies a position of responsibility not to treat the Opposition in a light manner and besides, for one who occupies a high position as a Minister it becomes much more necessary for doing so. We are not his enemies. We may take a different view from him just at the moment, but when we leave this place we are all friends. That being the case is it not better to carry on, of course when we make challenges, these challenges . . ."

MR. SPEAKER:—" These are verbal, purely verbal challenges! "

ABDUL HAMEED KHAN SAHIB BAHADUR:—" As Mr. Speaker says these challenges are made in the House itself and as soon as we go out . . ."

MR. SPEAKER:—" These are purely verbal, never intended, but may ultimately develop into physical challenges! "

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Apart from that, Mr. Speaker. I on behalf of my party in the Corporation can tell my hon. Friend that we do not require time which the Minister is graciously pleased to give. That is too long a time for any election to be held. If he had accepted the amendment and held the elections in 1939, at least for the 15 seats, it would have been much better. This Bill has reached the third reading stage. I do not see any purpose will be served by my holding on. But at the same time I hope my hon. Friend will take public opinion into consideration. It is true that some people belonging to the Congress Party had asked him to bring forward this Bill and it is true that some of the bodies whom he consulted agreed with him. I may reaffirm what I stated at an earlier stage of the Bill, that he did not take care to consult public opinion. If he had taken care to consult public opinion he would not have come in with this Bill, but he would have held the elections this year instead of in 1940 at least for the 15 seats. We may differ; and I can understand and judge public opinion. I am sure, they are

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for holding the elections this year. Of course the Hon. Minister has gone on with the Bill till the third reading stage. I am sure it will be passed. But certain statements were made by a Member of the Corporation here—I think it was by my Friend Mr. G. Rangiah Nayudu—that those Corporation Members who had spoken here against this Bill were holding a different opinion outside. It is unfortunate that he should have made a statement like that. As a matter of fact, personally I am benefited by this and if I did not care for the principle I would have certainly supported the Bill of the Hon. Minister, for it will give me and my hon. Friends time. But I am not selfish to that extent to say one thing and to hold a different opinion outside. It is very unfortunate and I wish that all the Members did not go so low as to speak in that manner."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, I never wanted to rise more than once on this curious Bill, but I am made to get up any number of times for reasons brought forward by the Hon. Minister himself and the speech which he made at this stage also; otherwise I would have refrained from speaking now.

"Sir, I only wish that a person who is in charge of Local Administration not only in the city but in the entire Province has at least an unbiassed view of things in matters of legislation. I can understand the Minister taking his own view in matters that are considered administratively, but in matters of legislation, I think, one should avoid all references which could be avoided. I only wish, Sir, that the Minister had refrained from referring to things about which he is not concerned, about the lifetime of the old Legislative Council, about the extension of which I can assure the Hon. Minister for Local Administration that none of us were responsible for it, including the persons who are members of this Legislature. Extension of Legislatures has become quite a common feature to-day and nobody regrets the extension as we do. It should not be understood that wisdom is the monopoly of one party in this country, because the Congress Party protested against the extensions of Legislatures. I will say, Sir, that the quicker the election is held the better for all parties; for particular parties constituted as we are to-day it is much better for us to have as many elections as possible. For example, if the elections to the Central Assembly are held for a period of three years and if there are successive elections all the three years, and assuming the Congress Party comes into power, I am certain the majority will be diminishing at least by one-tenth of its strength and in ten years there will be some place for other Members to come in. It will not be difficult for the politicians to go along who are connected with the elections and for the political parties to organize; and I say that they will have the benefit of such elections, the party

will have the advantage. . . . (The Hon. the Prime Minister: 'Subsidiary occupation.') I do not know whose subsidiary occupation he means, whether it is a subsidiary occupation of the politician or whether it is subsidiary occupation of some of the enthusiastic electors and those who went to the elections or of the electorate themselves. But it is a necessary sequel to democracy. We cannot get away from it. I say to-day that we do want the Central Assembly elections, not that I claim that in the election, if the election is held this year, the Justice Party would become a big majority and that I would be able to get all the seats. We can get a reasonable portion of the seats. I am speaking as one who is interested in the election and not as a partisan.

"Therefore I can only say that the Hon. Minister unwantonly has given us an opportunity to talk about this matter. He never meant it. If he had known that I would be speaking he would have refrained from referring to such things. I can only say, Mr. Speaker, that I am one of those persons who think that the lifetime of the Legislatures in this country ought not to be more than five or three years. What the Hon. Minister said only goes to strengthen my argument. It is said by the Hon. Gentleman that the elections to the various constituencies should take place at the same time. He knows fully well our countryside. This is a vast country and he has himself agreed that there is more life in cities and that the city reacts much quickly to the Government attitude. That being so, is it fair for him to compare the elections in the City of Madras to the elections in the mufassal? It is not at all fair. That is the position with regard to the elections. With regard to his remarks, suffice it to say that it would have been much better if the Hon. Gentleman had refrained from making several remarks which he made to-day regarding individual members of the Opposition. Probably this is the first occasion during the two and a half years that we have been here that he has dealt with the Opposition like this. I do not mind that. Our intention is not to hit him back. I would say it does not in any way help the legislation that he has brought before us. The
-15 question is whether we are doing any good. I contend that we are
.m. not doing good by this. It may be that the Hon. Gentleman, the Minister for Local Administration, pleads that this is good. But he should also respect the feeling of his opponent who feels the other way, though it may be that the people who feel the other way have not a majority in the Corporation Council.

"The Hon. Minister for Local Administration was saying that he referred the matter to the Chambers of Commerce and a member of the Chamber of Commerce in the Corporation voted for this. He was relying on flimsy material by doing this. Further, one individual does not count for the whole city and much less in a matter in which the Chambers of Commerce have nothing to do.

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What have the Chambers of Commerce to do with all the 45 divisional councillors? Nothing at all. It is a mistake on the part of the Government to have consulted the Chambers of Commerce in this matter. If it is a matter for the Chambers of Commerce it is perfectly open and right for the Government to have consulted them. I can understand that and I would not then have found fault with the Government. But he has relied on this and has also quoted names in his arguments. I only wish that this debate had been carried on in a much better and in a different line; we would have then had a better consideration of the whole thing. I regret very much the personal element in it. I can assure the Hon. Minister that I am not at all worried. I am not in the Corporation. I am not being given extension. I have personally nothing about it. It is not necessary for me to go to that. As a public man I am entitled to ask the Hon. Minister for Local Administration to consider these things in a non-partisan manner. I am perfectly certain that if any one goes through the proceedings of to-day he will come to the conclusion that the Minister for Local Administration has exhibited partisan spirit. He has given that impression on the whole to-day. It was not his intention to do so when he introduced the Bill, but during the course of the debate, he has completely forgotten himself. He has assumed a partisan spirit and has also challenged. I wish he had not done that. It is a bad thing the Congress Party in the Corporation has done. But the very Minister is supporting the Corporation. I have nothing more to say on this Bill, because Bills in this Legislature are *fait accompli*, the first reading is over, the second reading is over and then the third reading is also over. The Minister will have his way and the elections will take place. But I only regret that he should have said: 'The elections are coming; I challenge you all.' The success in elections cannot eternally be on one side. It may be for ten years or even twenty years. But the success of the Congress Party or any party will only depend upon the humble way in which they speak of themselves." (Applause.)

THE HON. SRI B. GOPALA REDDI:—"Sir, I do not know what I have said to wound the feelings of the Leader of the Opposition. I personally do not think that I have said anything to cast any aspersions on any side. Challenges were thrown from the other side of the House. I never said anything to cast any aspersions. The Leader of the Opposition has made much of what I sportingly said. Being a sportsman myself, I thought that he would meet them in the spirit in which they were made. I have nothing more except to say that I never meant any disrespect to anybody in the House. I did the whole thing in a cheerful manner, though not in a light-hearted manner, as an hon. Member said. The elections are not conducted in a light-hearted manner, nor my appeal to all the parties that we should take things seriously was also made in a light-hearted manner. If I gave that

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warning it was more for my party, because they have, as was stated, learnt the lesson of 1938. They must organize, go about and set their machinery going. Even that appeal was misunderstood by Mr. Abdul Hameed Khan and I may say that there was nothing to be offended at.

"I never said, Sir, that cities expressed public opinion more effectively than villages. It is unfortunate that my speaking of May last was made much of by the *Madras Mail* and Sir Pannir Selvam and the Leader of the Opposition are taking advantage of it. I said on the other hand that the cities are full of reactionaries while the villages are more patriotic and more nationalistic and that they take a greater national outlook and a better verdict on the points at issue. (Abdul Hameed Khan Sahib Bahadur nodded in dissent.) You may protest, but this is my opinion.

"The Leader of the Opposition asked what the Chambers of Commerce have to do with this. The verdict of the electorate as represented by the City Fathers was definite and unequivocal. I could have stopped with that. But I was more considerate and I wanted to ascertain public opinion. I do not know how I can get public opinion without referring to some of these longstanding bodies like the Chambers of Commerce and the Trades Association. All these bodies are there having large stakes in the city. They pay thousands of rupees to the Corporation and I thought I could ascertain public opinion by reference to these bodies. But Mr. Hameed Khan says, 'It is true that the Corporation has passed it and that a majority of the Chambers of Commerce have approved of it; but the public opinion is against it.' I do not know how I can ascertain public opinion if I am not to represent these matters to bodies like these. Public opinion, I cannot gather on the Marina, or on the Mount Road. So, in my opinion, Sir, public opinion is definitely in favour of this Bill. I do not mince matters and I am convinced that public opinion on this matter is definite. I move, Sir, that the Bill be passed into law."

MR. SPEAKER:—"Before putting the question to the House I should tell hon. Members that the word 'challenge' was used in a light vein in the course of the debate and was always accompanied by a smile. So the Chair had no business to intervene in the course of such sweet challenges which were not seriously meant. Otherwise, in the very first use of the expression, the Chair would have called to order the hon. Member using the expression. Hereafter, at any rate, however sweet these challenges might be, hon. Members should refrain from using this expression. I now put the motion to the vote."

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL, 1939.

THE HON. SRI B. GOPALA REDDI:—" I beg to introduce a Bill[a] further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes and move—

'*that the Bill be taken into consideration at once.*'

" There are three or four points in the Bill which I will explain. My first point is that the Harijan candidates in the elections should also be obliged to pay a small deposit amount so that the concession that is now given to them may not be abused. Swami Sahajanandam on a previous occasion in the course of the Budget discussions was himself saying that the Government ought to bring in legislation imposing certain conditions under which the candidates should file their nominations. I have known of many cases where without any serious purpose they filed their nominations because they did not want the other candidate to go unopposed. In such elections the one candidate got about two thousand votes and the others one or two votes. It is clear that the intention of these candidates in filing nominations is not seriously to contest the election but to see that a particular gentleman is not returned unopposed. We are taking in this Bill power to insist on some sort of deposit for the Harijan candidate also.

" Secondly, in municipalities, district boards and panchayat boards at present I cannot create a multi-member constituency without assigning a reserved seat. While I give a reserved seat to a particular circle I can create any number of general seats, but where the reserved seat is absent, it must necessarily be a single-member constituency. In panchayats it will be difficult to split up every cheri or other locality into single-member constituencies. So in the District Municipalities and Local Boards Act I propose to take power to create multi-member constituencies also when found necessary. The policy of the Government is as far as possible to create single-member constituencies but where it is necessary and found impracticable you must have power to have a multi-member constituency.

" Thirdly, Sir, there are a number of cases where the temporary presidents of panchayat boards have abused their powers. After the elections to the panchayat boards, the district board president appoints a gentleman for the time being, for a few days, and authorizes him to hold the election of the president, panchayat board. Where he is honest and where he wants to fulfil these obligations he conducts the elections all right. But on occasions when the man belongs to the minority party, there are many cases where he wanted to put off these elections. In spite

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[a] Published in the *Fort St. George Gazette*, dated 25th July 1939.

of repeated reminders from the Inspector's office he does not call for a meeting and for four or five months or sometimes even more, he holds office without calling for a meeting of the panchayat board. There are cases also where he has not issued notices to the majority party members. He issues them to his own party members. They assemble at the panchayat office. An election is held and once the election has been held it cannot be set aside either by the Inspector of Municipal Councils and Local Boards or by the Government. They will have to go to the court and to drag on for months and months over the many abuses that these temporary presidents have done. The Government are taking power to authorize Government servants, either Tahsildars or Revenue Inspectors or panchayat officers to go and conduct the election of the president. There will be temporary presidents. But their business is not to conduct the presidential election but just to run the administration for a few days. The Tahsildar convenes a meeting of the panchayat on a particular day, conducts the election and hands over charge to the elected president. So, for that purpose I am also taking power for appointing officers of Government to conduct elections.

" There is another thing common to all the three Acts, that is with regard to certain buildings which are offered to the municipalities for rents. In the existing Act, when a building is given to the Corporation, say for educational purposes, it cannot be taxed though the owner of the building gets rent. Under the existing provisions the owner is exempt from house tax. The idea is wherever the owner gets rent from the buildings though they are used for the purposes of the Corporation schools or dispensaries the owner of the buildings should pay tax. That provision is common to the three Acts. I am sure that will give an advantage to the municipalities and district boards as they will get some money. There are several buildings in the city which are not taxed at present. In such cases the owners will be asked to pay. With these remarks I make my motion."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" Mr. Speaker, the Hon. the Minister speaking on the motion said that there are four points. With regard to the question of taking away the concession that has already been enjoyed by the depressed classes in these local bodies, I do not know what exactly was the argument advanced by my friend, Mr. Sahajananda, when he wanted that even depressed classes should be called upon to pay certain deposits for standing for election. At least the community as such will certainly not appreciate any handicaps placed in the way. When the concession was given to the depressed classes for seeking election and exempting them from paying any deposit for standing as a candidate, it was done so for various reasons. They had not yet taken advantage of local bodies and besides their economic condition was not such

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as would enable them to come forward with a large sum of money—10 or 20 rupees."

MR. SPEAKER :—" It was distinctly stated that it was not a nominal deposit but such deposit as will be considered proper in each case."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" As it is, we do not know, Sir, how much will be expected from them. All the same, if the amount is too small there is no purpose in having this check, for it will be possible for anybody to get a couple of rupees and pay as deposit and stand. What exactly is the object in levying a nominal fee if really they want to check any person unnecessarily contesting an election for the sake of contesting it, in order to put a handicap in the way of a really good candidate from getting elected unopposed? If you are going to have a nominal fee, well, that nominal fee can be paid very easily. Why make a change? What exactly you mean by changing a policy which so far has been followed by the past Government and by this Government for the last two years in giving facilities to the members of the depressed classes? I think they are still in a stage where they must be continued to be given all facilities in all spheres including elections. I do not know why the depressed classes should be deprived of the facility that they have been enjoying all these years.

" The second thing is, my friend in this Bill wishes to take power to constitute multiple constituencies in local board areas. The only reason that he advances in favour of such a proposal is that he will find certain cases where instead of dividing small areas into two constituencies, he wants to have a single two-member constituency. That, in my opinion, is a retrograde measure. I think it is well for the Government to continue the policy of single-member constituencies. When it is difficult to divide certain areas into a number of constituencies, you may increase the number of members for a particular city or town or even panchayat area. Besides, there is just the possibility for your backing an election by giving one constituency more than one member. Certain constituencies will be so constituted as to have one kind of political leaning or civic leaning as the case may be. Therefore, it will give an unnecessary advantage to a particular party or a particular constituency which has got one particular leaning to be given more than one seat because they have particular political views. It is better therefore to divide these constituencies as far as possible into single-member constituencies instead of giving advantage to any particular party.

" So far as elections to the panchayats are concerned, I do realize that there may be some cases here and there of a nominee of the president of the district board not holding elections in time or trying to continue his tenure of office longer than is necessary.

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Of course it should be possible for the Government to prevent such contingencies by other methods than by authorizing the officials of the Government. I find, Sir, from the various amendments that have been brought up by the Hon. the Minister for Local Administration, that he has been taking away one right or another from the elected members. This is another case where you are taking away a right. I know it may be administratively very perfect and easy to hand over a thing temporarily or even permanently into the hands of the permanent officials. All the same, when you ask for administrative convenience, you are taking away a right which has been enjoyed by the people. Instead of advancing or enhancing the rights of the people in local bodies, you are taking away the rights. Instead of taking away the right, can you not think of any other method by which you can compel these non-official gentlemen to hold elections on certain dates? You can do some such thing. If he does not, make him vacate his office. If you had thought over it, I am sure you would have found out some method of having an election conducted by these gentlemen. Of course it is just possible everywhere in the world that some people might not carry out things properly. It happens in local body administrations all over the world. Some might function very wrongly, but for the sake of a few individuals here and there, you are going to penalize entirely all the local administrations in the Province by taking away a power which has been enjoyed by the non-official members. It always happens. I do not want to impute motives to the Government official. I am sure he is an honest gentleman; I am sure he is an independent gentleman throughout and in all cases I know that he will function independently, whatever the Government is that is in power or office in the Province. All the same, after all he is human and it is just possible that the Government of the day might have a sort of spiritual influence over him and it might be that here and there he might be liable to place himself in a similar position as the non-official members. Therefore, Sir, it is better to leave things as they are and I have nothing more to say.

" As regards the other question of taking away the facility that owners of properties who were renting their buildings to municipalities were enjoying by way of exemption from property tax, it is better to make an amendment. I am sure it will be accepted. As regards the other things, I hope the Hon. the Minister will consider that it is much better to leave our Adi-Dravida and Adi-Andhra friends to enjoy the facility which they have been enjoying all these years till they themselves come forward and say that they require the reform."

RAO BAHADUR SIR A. T. PANNIR SELVAM :—" Mr. Speaker, I propose to speak only on two points in this Bill, namely, the proposed amendment demanding a deposit on the

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part of the candidate belonging to the scheduled class and another, the creation of multiple constituencies. Talking about the first, i.e., the deposit to be made by a candidate of the scheduled class, I would only like to state that every section of the House has been very enthusiastic over the rights, privileges and conditions of members of depressed classes and other scheduled castes. The tears shed on behalf of the members of the scheduled castes during the passage of this piece of legislation for the past two days were merely crocodile tears. What was the purpose . . . ?"

MR. SPEAKER:—"We have nothing to do with crocodile tears. It is only deposits."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I was saying that, Sir, only as an index of the sympathy that they were showing. This proposal is not genuine and in that light the tears that they were shedding on their behalf might be considered crocodile tears. I said we will be giving cause to cynics to say that. Any way what was the purpose? What will be the result of imposing or insisting on a deposit? The deposit should either be such a sum as will prevent frivolous candidature or there should be no deposit. That is my submission." 6-41 p.m.

MR. SPEAKER:—"That is what Mr. Abdul Hameed Khan also said."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"If you impose a restricted sum, the result will be that the candidate put up will not be an independent candidate standing of his own volition and on his own merit. He will in most cases be a man put up by some rich neighbour who wants in the local board concerned a double vote instead of a single vote. Even if it be a small sum, a member of the depressed classes who wants to be elected independently of others, will feel this an obstacle in the way of his standing. Any way, this sort of frivolous candidature that you intend to avoid will not be avoided by your prescribing a nominal sum. The evil will still continue and the value of the gesture which you have made to the members of the scheduled classes will be considerably lessened.

"As regards multiple constituencies, I must say that the reasons advanced by the Hon. Minister are not convincing. The necessity for allowing more seats than one to a particular area will arise for either of two reasons: either the area concerned is a very wide one or there are a large number of residents or the combination of both may be a reason. In these cases the plainer course will be to divide the area into two constituencies. If in a packed area there are a large number of people crowded, what is there to prevent you from dividing it into two constituencies? It seems, therefore, that this proposition is at least unnecessary if not useless."

The motion was put and carried and the Bill was taken into consideration.

MR. SPEAKER:—" Since there are no amendments to the Bill, I will put the whole Bill to the vote of the House instead of clause by clause? (After a pause) I will put clause by clause. Clauses 2, 3 and 4 are for the vote of the House."

THE HON. SRI B. GOPALA REDDI:—" I have not replied to the arguments advanced by the other side."

MR. SPEAKER:—" It can be done at the third reading stage."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" That is not fair to us, Sir."

MR. SPEAKER:—" But the House has proceeded to take votes. The Hon. Minister claimed to speak after my decision to take the vote of the House. It was too late."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Sir, apart from that, if hon. Members speak and take objection to a measure at its first reading, and if the Minister-in-charge will not reply, there will be no need for members to speak. In this case it must have been one of two things: either the Hon. Minister did not care to speak or the Chair did not give him an opportunity to do so."

MR. SPEAKER:—" The Chair always gives opportunities to members to speak and the Hon. Minister concerned has always got the right to reply. But the Hon. Minister chose to reply at the end, as the points were simple."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Now that these remarks have come from you, I have necessarily to ask whether the Hon. Minister did not want to reply."

MR. SPEAKER:—" It is not a question of the Minister not wanting to reply. It may be that he did not rise promptly or it may be that he did not want to reply at this stage."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I thought the Chair said that the Hon. Minister was not given an opportunity to reply."

MR. SPEAKER:—" I think the Leader of the Opposition will note that I have never shut out any opportunity for any member. The Chair always gives plenty of opportunities to everybody. There should be no insinuations made concerning the Chair. I suppose the Leader of the Opposition will allow the business to proceed."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I beg to make a submission to the Chair. I should like to assure the Chair that I never suggested that opportunities are

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not given to us. When you, Sir, remarked that the Chair did not deny an opportunity to the Minister on this occasion and you did not say anything about the intentions of the Hon. Minister, I am entitled to ask the Government whether the Hon. Minister did not want to reply to the points raised by the members of the Opposition. It is a vital matter and I am entitled to ask the Government to state what their attitude is to the points raised. They may accept those points or they may not; but if they are not going to reply, the matter would assume greater importance. I have nothing to do with the Chair. I now want the Government to tell this House whether the Minister on this occasion intends to reply or not."

MR. SPEAKER:—" The Chair will call upon the Minister concerned hereafter to reply." (Laughter)

Clauses 2, 3 and 4 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI:—" Sir, I beg to move—

' *that the Bill be passed into law.*'

" I take this opportunity to reply to the points raised by the hon. Members at the time of the second reading.

" Sir, I have consulted the opinion of the Harijan members of this House and I may inform the House that almost all of them are in favour of this small deposit being introduced for the candidates standing for election. I have instances before me where a single Harijan candidate has filed his nomination paper in all the wards of a municipality at an election. Nobody can say that he seriously intended to contest all the wards in that municipality.

" Again, in many cases where a seat is reserved for a Harijan candidate, as many as 14 people have filed nomination papers for that single seat. Now, under the coloured box system, it is impossible for me to arrange for 14 different coloured boxes for these candidates and some more coloured boxes for the candidates standing for the general seats. It will be impossible in the very nature of things to allow all people to file nominations in this manner. Nobody ever denied or wants to deny any privilege to the Harijans. I am very anxious that the Harijans should take their proper share in the provincial, municipal and local matters. The deposit that we are now proposing to introduce will not deter any Harijan candidate from standing for election. Let them take advantage of the concessions shown to them. They should not attempt to abuse such concessions. There are cases where they have abused the privilege to a great extent. It will be agreed that if a gentleman in a particular municipal election

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filed as many nomination papers as there are wards in that municipality, it is an abuse of the concession granted. So I may tell hon. Members that I have fixed the deposit for Harijan candidates at 50 per cent of the deposit asked from the other candidates. At present it is Rs. 100 for district board candidature and for the Harijan for the same elections it will be Rs. 50 only; for municipal elections the deposit is Rs. 50 for general seats and Rs. 25 for Harijan candidates. For the Assembly elections the scheduled class members deposited Rs. 50 each when they filed their nomination papers. Let them pay a small deposit for the other elections as well and take it back if they get more than one-eighth of the votes polled. This is not shedding crocodile tears for the sake of the Harijans. This is purely a matter of expediency and the members belonging to the other party as well have asked that there should be this deposit. In the last session, Swami Sahajananda said in the course of a speech that instead of Rs. 100 for deposit, the Harijan candidates should be asked to deposit Rs. 200 to prevent them from filing nomination papers in a frivolous manner. That is what he said.

" As regards multi-member constituencies, opinions differ in all countries. I know, in the City of Bombay, the whole area has been divided into seven wards, each ward returning 16 members by means of the cumulative vote. Voters there have therefore the right of giving all their 16 votes to one candidate. Now there are sixteen wards there and each ward returns six or seven members with the help of the cumulative vote. This system enables the minorities, whether social, political or communal, to elect their own representatives. Whether we should have single-member constituencies or multi-member or plural-member constituencies is a question on which final opinion cannot be given now. As I said, our policy is to create, as far as possible, single-member constituencies. That policy stands. But in the case of small municipalities or panchayats it is difficult to form single-member constituencies in every part of them. Suppose there is a Harijan locality or colony with no well-defined boundaries or regular streets formed with a population strength entitling it to two seats. Our plan is, in such cases, to allot that area two general seats. Under the existing Act, unless you give a reserved seat, you cannot make it a multi-member constituency though it is difficult to create two single-member constituencies there. Our policy is to create single-member constituencies as much as possible, but where it is needed we must have multi-member constituencies also.

" Sir, when the Delimitation Committee sat for the delimitation of the Assembly constituencies . . ."

MR. SPEAKER :—" Is it necessary to bring that in? "

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THE HON. SRI B. GOPALA REDDI:—" Just one point, Sir. The Delimitation Committee recommended the formation of plural-member constituencies, but the Legislative Council wanted single-member constituencies and the Secretary of State agreed to this. We have, however, seven constituencies which to-day return two members each and they are Rajahmundry, Vizagapatam, Trichinopoly, etc. Though the general rule is single-member constituencies, as it is impossible to divide a revenue division into two in all cases, we have also got multi-member constituencies. Under the existing Act if we have to give a panchayat or municipal area two seats, we must give one seat for the Muslim or other community.

" As regards the temporary presidents, the vagaries of temporary presidents, it is in sheer despair, Sir, I may say, that we are bringing in this legislation. It is not with any view to affect the democratic rights either of the panchayat boards or the presidents. We only say an officer goes there, issues a notice, holds election, the president takes over charge, and the officer comes away. To-day for the district boards and the municipalities the Collectors and the Deputy Collectors are conducting the election of presidents; nobody objects to that. But in the case of panchayat boards where sometimes action is taken, it is better that we entrust the election of president to an official, either a Tahsildar or a Deputy Tahsildar or the panchayat officer. He issues notice to the members, conducts election and hands over charge to the elected president. I fail to see how it is cutting at the roots of democracy. During these elections there are many complaints that they have not acted in a proper manner. I think it is better that the election of the president was held by an officer, and there is nothing in this to annoy democracy. With these remarks, Sir, I move that the Bill be passed into law." 7 p.m.

The motion was put and carried and the Bill was passed into law.

The House then adjourned to meet again at 3 p.m. on Monday, the 7th August 1939.

APPENDIX I.

[Vide answer to starred question No. 33 asked by Sri D. Ramalinga Reddiyar at the meeting of the Legislative Assembly held on the 5th August 1939, page 161 supra.]

Constituencies of the Legislative Council in which elections will be held in 1940.

(i) General constituencies—
(1) Vizagapatam.
(2) East Godavari.
(3) West Godavari.
(4) Kistna.
(5) Cuddapah.
(6) Kurnool.
(7) Chingleput.
(8) South Arcot.
(9) Tanjore.
(10) Ramnad.

(i) General constituencies—*cont.*
(11) Salem.
(12) Malabar.

(ii) Muhammadan Constituencies—
(1) Madras North.
(2) Madras South Central.

(iii) European Constituency.

(iv) Indian Christian Constituency.

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Appendix II.

[Vide answer to starred question No. 35 asked by Mr. G. H. Hodgson at the meeting of the Legislative Assembly held on the 5th August 1939, page 162 supra.]

Schemes submitted by the Presidency Port Officer for improvements to the Minor Ports since August 1938.

Name of port. (1)	Nature of the work proposed. (2)	Amount of estimate. (3) RS. LAKHS.	Remarks. (4)
(1) Cocanada ..	(a) Extension of north and south groynes.	6·95 (Revised estimate).	Sanctioned in March 1939 and work in progress.
	(b) Construction of a new dry dock.	1·8	Sanctioned in July 1939.
	(c) Construction of wharf walls.	0·69	Do.
(2) Masulipatam.	(a) Construction of a wharf wall.	0·3	Sanctioned in August 1938.
	(b) Employment of Marine police to check pilferage of cargo.	0·086 (non-recurring). 0·052 (recurring).	Do.
	(c) Taking over of the Kistna District Board road in port limits.	0·048	Sanctioned in January 1939.
	(d) Supply of a dredger ..	2·0	The latest opinion of the Presidency Port Officer is that a dredger is not necessary as he thinks that the dragline excavator can be mounted on pontoons and converted into a small dredger. The dry dock will not then be necessary.
	(e) Construction of a dry dock.	1·315	
	(f) Installation of a wireless station.	0·1	Under consideration.
(3) Cuddalore ..	Reinforced concrete training walls and groynes.	4·1	Lying over awaiting a report from the Chief Engineer (Irrigation).
(4) Tirumalavasal	Cutting open the bar every alternate year.	250	Sanctioned in October 1938.
(5) Negapatam ..	Constructing north and south groynes.	0·875	Sanctioned in August 1938.
(6) Adirampatnam.	Extension of port road to beach.	0·18	Under consideration.
(7) Calicut ..	Construction of a third pier ..	4	In abeyance on the suggestion of the Presidency Port Officer.
(8) Ponnani ..	Extension of wharf wall and reclaiming additional land for wharves.	0·41	Sanctioned in June 1939.
(9) Mangalore ..	Reconstruction of wharf walls.	0·62	The Presidency Port Officer submitted an estimate amounting to Rs. 2·9 lakhs, but recently he reported that an estimate of Rs. 62,050 for north wharf wall will do for the present. Orders sanctioning the estimate will issue shortly.
(9) (a) Gangolli-Coondapoor.	Improvements to wharves ..	0·3	The proposal to apply the Madras Outposts Landing and Shipping Fees Act is under consideration and orders will issue shortly.
(10) Malpe ..	Hand dredging a channel to wharf No. 4 and constructing masonry retaining walls for wharf and part of Eastern bank.	0·185	Sanctioned in January 1939.
(11) Hangarkotta.	Extension of wharf wall ..	0·262	Postponed in March 1939 as the improvements were not expected to attract additional trade to the port.
(12) All Minor ports.	Purchase of a sea-going dredger	4·00	Still under consideration.

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 7th August, 1939.

The House met in the Legislative Assembly Chamber, Fort St. George, at three of the clock, with Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—NEW MEMBER.

Sri K. Ramakoteswara Rao was sworn in.

II.—CONDOLENCE RESOLUTION *RE* THE DEATH OF SRI A. RAMALINGAM.

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Mr. Speaker, it has fallen to my lot again to move a resolution—

' *that an expression of the deep regret of this Assembly at the death of Sri A. Ramalingam and of sympathy with his bereaved family be placed on record and be conveyed to them.*'

" Sir, Mr. Ramalingam was a humble and a very good Member and a social worker. He has not spoken often on the floor of this House, perhaps never, but he has been for more than 12 years doing uninterrupted social work for the Harijans to which community he belongs. He was a celebite and a sanyasi; he was doing educational work and was one of our best men. It is with great pain that I learn that he died soon after he was admitted into the General Hospital for treatment of heart-weakness. He died yesterday in the General Hospital and he was removed to Tiruvannamalai for his remains to be given honours according to his Holy order."

KUMARARAJA MUTHIAH CHETTIYAAR OF CHETTINAD:—" Sir, I desire to associate myself with the sentiments expressed by my predecessor. I know Mr. Ramalingam for a long time. He was a very pious sort of worker; he devoted his time for social work and he was a God-fearing man. His death is a great loss to this House."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I beg to associate myself with the resolution of condolence and the sentiments expressed by my predecessors."

SRI G. KRISHNA RAO:—" I rise to associate myself. . ."

MR. SPEAKER:—" On behalf of the Democratic Party? "

* SRI G. KRISHNA RAO:—" On behalf of the Democratic Party and also as a friend of Mr. Ramalingam I beg to associate myself with all the sentiments which have been expressed on the

floor of this House. We have sustained a loss in the death of this social worker. I thoroughly associate myself with the sentiments which have so aptly fallen from the lips of the Hon. Premier and others."

MR. W. K. M. LANGLEY :—"On behalf of the European group, I desire to associate myself in full with everything that has been said by the previous speakers."

The resolution was passed, the whole House standing.

III.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Working of the Agriculturists Debt Relief Act in the Negapatam division, Tanjore district.

* 43 *Q.*—SRI P. R. K. SARMA: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the amount disbursed by the Revenue Divisional Officer, Negapatam, and the Tahsildar of Nannilam, as loans to the agriculturists under the Agriculturists Debt Relief Act;

(*b*) how many loan applications were received, how many were rejected, how many were sanctioned and how many are pending;

(*c*) whether any difficulty was experienced in working the Agriculturists Debt Relief Act; and

(*d*) whether any amendment is necessary to the Act or the Rules?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—"(*a*) & (*b*) No loans are granted under the Agriculturists' Debt Relief Act.

"(*c*) & (*d*) Certain difficulties have been brought to notice, and the question of amending the Act or the rules is under the consideration of the Government.".

SRI G. RANGIAH NAYUDU:—"May I know whether there were any complaints received by the Government from the public that the disbursement of money from banks is very seriously delayed?"

SRI T. VISWANATHAM:—"Certain complaints have been received that loans are not well disbursed under the Agriculturists Loans Act. But some complaints have been received about the working of the recently passed Debt Relief Act also, and I have already answered that the Government are considering them for an amendment of that Act."

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SRI K. V. R. SWAMI:—" May I know what the amount lent under this Act is? "

SRI T. VISWANATHAM:—" The hon. Member must realize that under the Debt Relief Act no loans are granted.

Administration of minor ports.

* 44 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that a separate officer was appointed to administer the minor ports; and

(*b*) if so, what the annual expenditure is for direction and establishment?

THE HON. MR. YAKUB HASAN:—" (*a*) The answer is in the affirmative. The attention of the Hon. Member is invited to G.O. Nos. 1306–07, Public Works (Marine), dated 26th May 1939, which has been placed at the disposal of the Press.

" (*b*) Savings have been effected by the new arrangement sanctioned in the order referred to in the answer to clause (*a*), but the actual expenditure for direction and establishment can be given only after the budget estimate of the Minor Ports Fund for 1939–40, which is still under revision by the Presidency Port Officer, is finally passed."

SRI K. V. R. SWAMI:—" May I know the probable amount that will be required? "

THE HON. MR. YAKUB HASAN:—" There is no question of expenditure."

SRI K. V. R. SWAMI:—" My question was whether a separate officer has been appointed for minor ports and if so, the amount of expenditure which will be required for direction and establishment. That has not been answered."

THE HON. MR. YAKUB HASAN:—" As I have already answered, when the budget estimates are revised and finally passed, we will be in a position to know the actual amount that will be required."

SRI S. NAGAPPA:—" May I know how the minor ports were managed before this appointment, Sir? "

THE HON. MR. YAKUB HASAN:—" Previously the Presidency Port Officer was in charge of minor ports. But the Presidency Port Officer was not entrusted entirely with the duties of managing the minor ports only. He had other duties to perform for the Government of India. He has been relieved of the duties of attending to minor ports and we have appointed our own officer for the minor ports as Presidency Officer who has nothing to do with the Government of India."

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Prevention of the plying of private cars for hire in the city.

*45 *Q.*—SRI G. KRISHNA RAO: Will the Hon. the Minister for Law be pleased to state—

(*a*) whether the Madras Taxi Owners' Association made representations at any time regarding the plying of private cars for hire in the city and the immediate need for preventing the plying of such cars in the interest of taxi owners; and

(*b*) if so, what action has been taken in the matter?

THE HON. DR. P. SUBBARAYAN:—" (*a*) The answer is in the affirmative.

" (*b*) The Government are taking steps to put an end to this illicit practice. In January 1939 they directed the licensing authorities to make full use of the powers conferred on them in the Madras Motor Vehicles Rules, 1938. The effect of these instructions is being watched."

SRI G. KRISHNA RAO:—" May I know whether any cars have been confiscated by the Police and their G permits cancelled after the instructions were given by the Government? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid I cannot answer that question. If the hon. Member puts a separate question, I will answer it."

SRI G. KRISHNA RAO:—" May I have an assurance from the Hon. Minister that this illicit practice will be effectively checked without giving cause for complaint from the taxi owners in future? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid I cannot give any undertaking like that. Government are taking every possible step to put a stop to this illicit practice."

BASHEER AHMED SAYEED SAHIB BAHADUR:—" May I ask the Hon. Minister whether it is not a fact that the local Taxi Owners' Association have already furnished the Commissioner of Police with a complete list of pirate taxis? If that is so, what is the cause for the Police not taking action by way of prosecuting such of those taxi owners who resort to this illicit practice? "

THE HON. DR. P. SUBBARAYAN:—" The hon. Member has been practising in law courts and he should be in a position to know that it is not possible merely to prosecute anybody unless you are sure that prosecution will become successful and the hon. Member must know that if a prosecution does not succeed, the effect will be worse."

BASHEER AHMED SAYEED SAHIB BAHADUR:—" May I ask whether it is not a fact that the taxi owners have offered to give evidence which will lead to the conviction of these pirate taxi owners? "

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THE HON. DR. P. SUBBARAYAN:—"As I have already stated what is the necessary evidence for conviction must be judged on the merits of each case."

SRI G. KRISHNA RAO:—"May I ask whether the Traffic Inspector and the Deputy Commissioner in charge of traffic have expressed any difficulty in carrying out any confiscation of such cars because the present traffic code does not give them enough power to do it?"

THE HON. DR. P. SUBBARAYAN:—"I do not know where the hon. Gentleman got the information from and I will be glad if he can tell me wherefrom he got the information."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"May I know the details of the steps taken to effectively put down pirate taxis?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I cannot disclose the exact steps that are being taken. If they are disclosed the gentlemen who run the pirate taxis will be put on their guard."

SRI G. KRISHNA RAO:—"May I ask why the Hon. Minister refused to give an assurance inasmuch as it is in the public interest that the question was asked?"

THE HON. DR. P. SUBBARAYAN:—"I do not understand what the assurance is that the hon. Member wants. I have said that the Government are taking every step to put down the illicit practice."

SRI E. KANNAN:—"May I ask whether the Hon. Minister is aware that there are pirate taxis in the mufassal also and that they are being used by the Police without paying any charge?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I cannot accept the hon. Gentleman's suggestion about the Police."

SRI G. RANGIAH NAYUDU:—"When the number and names of the pirate taxi owners are given, what more does the Hon. Minister want in order to enable the Police to conduct the prosecutions?"

THE HON. DR. P. SUBBARAYAN:—"That is exactly what I want to know, Sir."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Is the Hon. Minister aware that taxi owners have made practical suggestions to the Commissioner of Police to put down these pirate taxis?"

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THE HON. DR. P. SUBBARAYAN :—" I am sure the Commissioner is taking every step to follow the suggestions which have been so kindly made."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" Is the Hon. Minister aware that one of those suggestions is that Police officers should stop the practice of using these pirate taxis and may I ask whether that suggestion has been given effect to? "

THE HON. DR. P. SUBBARAYAN :—" I am afraid the hon. Gentleman is casting an aspersion on public servants without having perhaps any knowledge of the facts of the case."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" On a point of personal explanation, Sir. I have named no particular individual. I have only concerned myself with the suggestion made to the Commissioner deliberately by an organized body of taxi owners . . ."

MR. SPEAKER :—" I think it is a speech and not a question."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" I am explaining, Sir."

MR. SPEAKER :—" No explanation is required. The question may be put directly."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" I may say, Sir, that . . ."

MR. SPEAKER :—" The question may be put without further explanation."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" No, Sir. He has made an allegation against me and I am bound to explain. He has stated that I have cast an aspersion on officers. I have not referred to any particular officer."

THE HON. DR. P. SUBBARAYAN :—" Casting an aspersion on all officers without naming them is far worse."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" May I know whether the Commissioner has issued any instructions to his subordinates not to use these pirate taxis themselves so that they may set a better example to the public."

MR. SPEAKER :—" The question contains arguments. It is not a supplementary question."

SRI KALA VENKATA RAO :—" Is it a fact that the Police forcibly dispersed the pirate taxis which are usually stationed near Nallathambi street, Triplicane, and Chitrakulam, Mylapore? "

THE HON. DR. P. SUBBARAYAN :—" I have no information on the subject."

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Publication of the Government Order empowering District Judges to grant exemption from age-limit.

*46 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for r be pleased to state—

(a) whether District Judges have power to grant exemption ı age-limit; and

(b) if so, whether the Hon. Minister will be pleased to ;e on the table of the House a copy of the Government Order er which District Judges are empowered to grant exemption ı age-limit?

THE HON. DR. P. SUBBARAYAN:—"Presumably the hon. Member refers to direct recruitment to ministerial posts in civil courts. If so, the answer to clause (a) is in the negative and the question in clause (b) does not arise."

SRI K. V. R. SWAMI:—"May I know who is the authority xempt these people?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Member has followed the answer he would have found that there is no authority to exempt at all."

ıufacture of sand-paper in the Government workshops in this Presidency.

*47 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister Agriculture and Rural Development be pleased to state—

(a) whether the Government have considered the question of ing preliminary experiments in regard to the manufacture of l-paper in the Government workshops; and

(b) if so, what the result is?

THE HON. SRI V. I. MUNISWAMI PILLAI:—"(a) & (b) The Government have sanctioned the conduct of experiments to evolve suitable appliances for making sand-paper on cottage industry basis. The results of the experiments are awaited."

SRI K. V. R. SWAMI:—"May I know for how long the eriment has been made?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"The experiment is going on and it will be finished in a few months."

Reasons, if any, for closing down the Fisheries Training Institute at Calicut.

*48 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. Minister for Agriculture and Rural Development be pleased tate what the reasons are for closing down the Fisheries Training Institute at Calicut?

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THE HON. SRI V. I. MUNISWAMI PILLAI:—"The attention of the hon. Member is invited to the answer given on 21st September 1937 to clause (*a*) of question No. 168."

Money-lending by Kabulees in this Province.

* 49 *Q.*—SRI KONDA VENKATAPPAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state what measures the Government propose to take in the matter of the high rate of interest charged by Kabul money-lenders in this Province and the oppressive measures employed by them to realize their debts?

THE HON. SRI V. I. MUNISWAMI PILLAI:—"The Government have under consideration the question of introducing a Bill for the regulation of money-lending and for fixing the maximum rate of interest on loans advanced by money-lenders. Opportunity will be taken to make the molesting of a debtor for the purpose of collecting debts a cognizable offence."

SRI S. NAGAPPA:—"May I ask when the Bill may be expected?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"In due course."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"May I ask whether it will apply to all money-lenders or only to certain classes of money-lenders?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"To all money-lenders."

SRI G. RANGIAH NAYUDU:—"May I ask whether the Provincial Government can introduce legislation on this subject?"

MR. SPEAKER:—"It is asking for legal opinion; the question is disallowed."

Introduction of a Bill for the relief of non-agricultural and agricultural coolie debtors.

* 50 *Q.*—SRI V. VENKATASUBBAYYA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the Government propose to introduce any Bill for the relief of non-agricultural debtors and of agricultural coolie debtors; and

(*b*) if so, when?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—"(*a*) & (*b*) The Government have under consideration certain proposals for the relief of indebtedness among industrial workers and agricultural and fishermen labourers."

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Sri S. NAGAPPA:—" Are the Government aware, Sir, that those are the real people that require even earlier relief than others?"

Sri B. S. MURTI:—" That is why the Government are considering that question, Sir."

Sri S. NAGAPPA:—" How long will the Government consider that question, Sir?"

Sri B. S. MURTI:—" As long as the question requires consideration, Sir."

Grievances of the merchants' clerks in regard to their working hours and holidays.

*51 Q.—Sri MUTHU- Kr. Ar. Kr. ARUNACHALAM CHETTIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have received representations from the merchants' clerks to fix the number of hours in a day and the number of days in a year they should work; and

(b) whether the Government have taken any steps in the matter, and, if so, what they are?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (a) Yes.

" (b) The question is under consideration."

Measures for the enhancement of duty on paddy and rice imported into this Province.

*52 Q.—Sri V. BHUVARAHAN: Will the Hon. the Minister for Industries and Labour be pleased to state what steps this Government have taken already and propose to take in the future, to get the import duty on paddy and rice from Burma and other foreign countries, increased by the Central Government?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" This is a matter entirely within the province of the Government of India. This Government, however, are in communication with them, but it is not customary to place such confidential correspondence on the table of the House."

Sri K. V. R. SWAMI:—" May I know when the last communication was made to the Central Government?"

Sri B. S. MURTI:—" Notice, Sir."

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BASHEER AHMED SAYEED SAHIB BAHADUR:—" Apart from being in communication with the Government of India on the subject, may I know whether any progress has been made and if so, what it is? "

SRI B. S. MURTI:—" The question is still under correspondence with the Government of India and nothing can now be stated definitely."

BASHEER AHMED SAYEED SAHIB BAHADUR:—" May I ask what aspects of the question are under consideration? If it is possible for us to be told about them, let us be told, Sir."

SRI B. S. MURTI:—" It is not possible now, Sir."

Investigation regarding the manufacture of asbestos in this Presidency.

* 53 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the investigation regarding the manufacture of asbestos in this Presidency has been completed; and

(*b*) if so, whether any bulletin has been published on the subject?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (*a*) The answer is in the negative.

" (*b*) Does not arise."

SRI S. NAGAPPA:—" May I know, Sir, on what grounds the answer is in the negative? " (Laughter)

Publication of the report of the officer deputed to study the development of industrial education in the Punjab and the United Provinces.

* 54 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the officer deputed to study the development of industrial education in the Punjab and the United Provinces had done so;

(*b*) whether he has submitted any report on the subject; and

(*c*) if so, what it is?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (*a*) & (*b*) The answer is in the affirmative.

" (*c*) The report has not been published, but schemes for instituting specialized courses of training in industrial schools arising out of the report have been called for from the Director of Industries and Commerce."

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Sri K. V. R. SWAMI :—" May I ask whether the report called for from the Director of Industries and Commerce will be published? "

Sri B. S. MURTI :—" The Government will consider the question, Sir."

K. ABDUR RAHMAN KHAN SAHIB Bahadur :—" May I know the name of the officer referred to in clause (*a*) of the question? "

Sri B. S. MURTI :—" Mr. Chitra is the officer deputed to study cottage industries in the Punjab and the United Provinces."

K. ABDUR RAHMAN KHAN SAHIB Bahadur :—" May I know the qualifications of the officer? "

Mr. SPEAKER :—" The question does not arise."

Purchase of shares by the Government in the Madras Sugars, Limited.

*55 *Q*.—Sri K. V. R. SWAMI : Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether it is a fact that the Government have considered the application of the Madras Sugars, Limited, for the purchase of its shares to the value of Rs. 30,000 to enable them to handle the production of jaggery; and

(*b*) if so, what the result is?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri :—" (*a*) & (*b*) The application of the Madras Sugars, Limited, is under the consideration of Government."

Sri K. V. R. SWAMI :—" May I know how long the application has been under consideration? "

Sri B. S. MURTI :—" Since its reception."

Sri K. V. R. SWAMI :—" When was it received? "

Sri B. S. MURTI :—" Notice, Sir."

BASHEER AHMED SAYEED SAHIB Bahadur :—" May I know whether there is any prospect of any loan being given to the Madras Sugars? "

Sri B. S. MURTI :—" The Government are considering the question whether or not a loan can be given to this concern? "

BASHEER AHMED SAYEED SAHIB Bahadur :—" Are the Government aware that in the meanwhile the Indian Bank is likely to close down that business? "

Sri B. S. MURTI :—" I thank the hon. Member for the information given."

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Measures for conducting survey operations in unsurveyed panchayat board areas.

* 56 *Q.*—SRI V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) the number of panchayat boards in the Presidency that remain still unsurveyed;

(*b*) whether it is a fact that such panchayat boards are unable to take action on encroachments in their area on account of their unsurveyed nature; and

(*c*) if so, what steps the Government have taken or propose to take in the matter?

THE HON. SRI B. GOPALA REDDI:—" (*a*) About 5,900 panchayats remain still unsurveyed.

" (*b*) Unless streets are surveyed it will be difficult for panchayats to take action on encroachments.

" (*c*) If a panchayat board is willing to meet one-third of the cost of survey, the Government will arrange for the survey of the panchayat area. It is primarily the duty of panchayats to get areas within their jurisdiction surveyed. Government very often advise panchayats to have a survey carried out."

SRI K. V. R. SWAMI:—" May I ask whether any applications are pending before the Government? "

THE HON. SRI B. GOPALA REDDI:—" I am not aware, Sir."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" May I ask the Hon. Minister whether he is aware that most of the panchayats are financially weak and cannot undertake a survey of their own areas? "

THE HON. SRI B. GOPALA REDDI:—" It may be so, but it is the primary duty of the panchayats to survey their own areas."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" Do the Government realize that in the interests of better administration of these panchayats they ought to be surveyed? "

THE HON. SRI B. GOPALA REDDI:—" They must be surveyed, but the financial aspect of the question also must be considered by the Government."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" If there are any applications for survey from these panchayats, will the Government call for them and take action immediately? "

THE HON. SRI B. GOPALA REDDI:—" It is not a question of applications; the panchayats must be prepared to bear one-third of the cost of survey."

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SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" If there are many panchayats which have already passed resolutions regarding a survey of their areas and if applications from them are pending with the Government, will the Hon. the Minister call for them and take action immediately? "

THE HON. SRI B. GOPALA REDDI:—" The Government will take action provided the panchayats are prepared to meet one-third of the cost."

SRI K. V. R. SWAMI:—" In cases where the panchayats are not able to provide the one-third cost, may I ask whether the Government will be prepared to lend that one-third? "

THE HON. SRI B. GOPALA REDDI:—" Not in the near future, Sir."

Representation of Muslims in local boards.

*57 Q.—*H. S. HUSSAIN SAHIB* BAHADUR: *Will the Hon.* the Minister for Local Administration be pleased to state—

(a) what steps, if at all, have so far been taken to give adequate and proper representation to Muslims in local bodies in which they are at present under-represented;

(b) if any such steps are under contemplation, what they are and when they will be given effect to; and

(c) whether the Hon. the Minister has considered so far the question whether or not all the minority communities are getting proportionate representation in local bodies uniformly in all cases under the system of reservation of seats?

THE HON. SRI B. GOPALA REDDI:—" (a) & (b) The provisions of the Madras District Municipalities Act, 1920, and Madras Local Boards Act, 1920, already enable the returning of a sufficient number of Muslims to local bodies. Under the said provisions, consistent with the scheme of the said Acts, the number of seats reserved on local bodies for Muslims is increased, if possible, whenever necessary.

" (c) The answer is in the affirmative."

SRI G. RANGIAH NAYUDU:—" May I know whether the communal Government Order is still in existence? "

THE HON. SRI B. GOPALA REDDI:—" This is not a question of services but of seats on local boards and municipalities."

MAHBOOB ALI BAIG SAHIB BAHADUR:—" Is the Hon. Minister for Local Administration aware that in most of these local bodies Mussalmans and other minorities are not adequately represented and . . ."

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MR. SPEAKER:—" The question is not audible. I must hear the question so that I may decide whether it is to be allowed or disallowed."

MAHBOOB ALI BAIG SAHIB BAHADUR:—" Is the Hon. Minister for Local Administration aware that in most of the local bodies the representation of Muslims and other minorities is not adequate? "

THE HON. SRI B. GOPALA REDDI:—" I do not have the exact figures just now before me."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" In view of the statement which the Hon. Minister himself was kind enough to supply with regard to the representation of the minority communities, particularly the Mussalmans quite recently, may I ask whether he is not aware that the representation of Muslims and other minorities is not adequate and whether it is not necessary for him to revise the present Act in order to see that they get adequate representation? "

THE HON. SRI B. GOPALA REDDI:—" The information I have given shows that in only certain municipalities and district boards they are under-represented. I am taking steps to see that wherever possible, within the one-fourth limit, the representation of Muslims and other minorities is increased."

MAHBOOB ALI BAIG SAHIB BAHADUR:—" May I know whether the Government are aware that in several panchayats, there is not even a single Muslim? "

THE HON. SRI B. GOPALA REDDI:—" It may be, but they are entitled to elect a Muslim."

SRI S. NAGAPPA:—" May I ask whether the representation is given on population basis or on communal basis? "

THE HON. SRI B. GOPALA REDDI:—" Not strictly in accordance with the population basis."

SRI V. KURMAYYA:—" May I ask whether the Hon. Minister will allot seats according to population basis? "

THE HON. SRI B. GOPALA REDDI:—" My difficulty is this: under the present Act, I cannot give more than one-fourth of the seats to the minority communities and women put together."

SRI V. KURMAYYA:—" May I know if the Provincial Government have any proposal before them in regard to this matter? "

THE HON. SRI B. GOPALA REDDI:—" There is no proposal before the Government at present to amend the Act in that direction."

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BASHEER AHMED SAYEED SAHIB BAHADUR :—" Arising from the answer given by the Hon. the Minister that out of 25 per cent, it is not possible to secure adequate representation to all minority communities, does he propose to abolish that 25 per cent restriction by suitable amendment of the Act? "

THE HON. SRI B. GOPALA REDDI :—" I do not think that is the remedy for this deficiency. There should be joint electorates and the minority communities should be entitled to be returned to general seats also by all the communities together."

BASHEER AHMED SAYEED SAHIB BAHADUR :—" May I ask whether any other remedy has been conceived by the Government? "

THE HON. SRI B. GOPALA REDDI :—" No, Sir."

SRI S. NAGAPPA :—" May I know whether the Government have considered the question of giving a proper representation to minority communities? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" It is impossible to carry on discussion as to the justifiability of having a complete picture of the members of the communities in each local body. The matter must be discussed on a different occasion. I would deprecate questioning on this matter of an important principle which is not admitted by the Government."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" In view of the fact that the non-official Members have very few opportunities of bringing forward non-official motions, may I ask whether Members may not put supplementary questions on questions involving principles? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" I was deprecating the carrying on of interpellations beyond a limit and making it a regular debate on a very debatable principle. I suggest to the Chair that we might stop at a certain stage. Surely it is open to hon. Members to put the questions and I do not deny that."

MR. SPEAKER :—" When a reasonable or sufficient number of supplementary questions are put upon the subject-matter of any question, the Chair takes care to see that the House passes on to the next question; but till then Hon. Ministers will patiently hear when supplementary questions are put and answer those questions."

THE HON. SRI C. RAJAGOPALACHARIAR :—" On a matter of personal explanation, Sir. I was not raising a point of order. I was suggesting to the Chair and drawing its attention to one fact. The supplementary questions at first related to the present administrative effect given to the law as it

stood; but later, the questions put, were, 'Are not any changes made in the law?', etc. I wanted to draw the attention of the Speaker to the fact that it was a debatable principle and a little beyond the scope of supplementary questions."

MR. SPEAKER:—"The question was allowed because the interpellator wanted to elicit information from the Hon. Minister whether there was any proposal before the Government to change the law. Since the Minister stated that it was not possible to amend the Act, some supplementary questions are being put and they will be considered from the point of view of their admissibility. If they develop into a debate, they will certainly be disallowed."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Arising out of the reply given by the Hon. Prime Minister, may I ask him whether he is not admitting the principle of communal representation? Is he making a statement categorically now?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I was referring to the impossibility of having a picture of every local body on the principle of proportionate representation of all minority communities in the country, because every caste and every sub-community of every caste would have to be represented on every local body. If, in the course of any debate, any constructive suggestions are made which will render the matter clear, the Government would be glad to consider them."

Permission for lady candidates to appear for the S.S.L.C. examination by private study.

* 58 *Q.*—SRI V. VENKATASUBBAYYA: Will the Hon. the Minister for Education be pleased to state—

(*a*) whether any representations have been received to permit lady candidates to appear for the S.S.L.C. examination by private study; and

(*b*) whether the Government propose to alter the rules so as to permit lady candidates to appear for the S.S.L.C. examination by private study?

THE HON. SRI C. J. VARKEY:—"(*a*) The answer is in the negative.

(*b*) There is no such proposal."

SRI V. VENKATASUBBAYYA:—"May I know whether the resolutions passed at the conference at Nellore, have been received by the Government?"

THE HON. SRI C. J. VARKEY:—"I do not think we have received any."

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SRI G. RANGIAH NAYUDU:—"May I know whether the Government are considering any proposal in connexion with this matter?"

THE HON. SRI C. J. VARKEY:—"No, Sir; in the best interests of education, such a proposal will not be considered."

SRI G. RANGIAH NAYUDU:—"May I know if education in schools consists in imparting only book knowledge?"

THE HON. SRI C. J. VARKEY:—"Good intellectual information is to be imparted in schools."

SRI V. VENKATASUBBAYYA:—"May I know if the Hon. Minister is aware that lady candidates are allowed to appear for the Matriculation examination by private study?"

THE HON. SRI C. J. VARKEY:—"That is a matter concerning the University and not the Government."

SRI K. V. R. SWAMI:—"May I know if the rules are the same?"

THE HON. SRI C. J. VARKEY:—"The Government have got a set of rules and the University has got a different set of rules."

SRI K. V. R. SWAMI:—"Will not the Government change the rules for the better?"

THE HON. SRI C. J. VARKEY:—"The present is the best system possible."

MISS G. AMMANNA RAJA:—"May I know whether the Government are aware that there are not sufficient number of girls' high schools in the districts?"

THE HON. SRI C. J. VARKEY:—"It is not possible to have high schools in every village in India."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask whether the Hon. Minister is aware that there are a large number of ladies in the teaching profession, who study during their spare time and wish to appear for the examinations? Cannot permission be given to appear for the examinations, after private study?"

THE HON. SRI C. J. VARKEY:—"After three years of secondary school training they are allowed to appear for the examination."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"May I know whether the present rules allow teachers to appear for the Intermediate and B.A. Examinations?"

THE HON. SRI C. J. VARKEY:—"Not for S.S.L.C."

SRI K. V. R. SWAMI:—"Does not the University allow *candidates to appear for the Matriculation? Will the Government* consider the desirability of changing the rules and allow lady candidates to appear for the S.S.L.C. examination?"

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THE HON. SRI C. J. VARKEY :—" The University allows both boys and girls to appear for the Matriculation Examination, because there are no institutions for coaching up candidates for that examination. For training for S.S.L.C. examination, there are a number of high schools. Therefore, there is no need for exempting boys or girls for appearing for the examination privately."

SRI K. V. R. SWAMI :—" In view of the fact that there are no schools for girls, will the Government change the rules? "

MR. SPEAKER :—" The Minister has admitted that there are not sufficient number of high schools for girls."

SRI K. V. R. SWAMI :—" In view of the fact that there are not sufficient number of high schools for girls, will the Government allow them to appear privately for the examination? The Government would not lose anything."

THE HON. SRI C. J. VARKEY :—" I want our girls to be better educated."

MISS G. AMMANNA RAJA :—" May I ask whether the Government will provide high schools for girls in places where none exists? "

THE HON. SRI C. J. VARKEY :—" I can assure the hon. Member that we are trying to provide as many girls' schools as possible."

MISS G. AMMANNA RAJA :—" Are there not certain districts where there are no schools at all? "

THE HON. SRI C. J. VARKEY :—" I want notice; I have not got up-to-date information in my hands now."

Amount allotted for anti-air-raid measures in this Province.

* 59 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether it is a fact that the Government of India have agreed to allot sums for anti-air-raid measures; and

(*b*) if so, what amount has been allotted to this Province?

THE HON. SRI C. RAJAGOPALACHARIAR :—" (*a*) & (*b*) The Government of India have agreed to meet additional expenditure incurred on account of war measures, including air-raid precautions. Provinces have not been allotted specific amounts."

SRI G. KRISHNA RAO :—" May I know whether the initiative and responsibility in the matter of air-raid precautions have been thrown upon the Provincial Governments by the Central Government? "

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THE HON. SRI C. RAJAGOPALACHARIAR:—" This question is about the money that is necessary for air-raid precautions. I do not know if the hon. Member is asking about the expenditure."

SRI G. KRISHNA RAO:—" I wanted to know whether the sponsibility for taking air-raid precautions has been definitely rown upon the Provinces by the Central Government? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I think it is better to give notice of a separate question."

Reduction of the strength of the Police department.

*60 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Prime inister be pleased to state whether the Government propose to duce the strength of the Police department as Prohibition is troduced more and more?

THE HON. SRI C. RAJAGOPALACHARIAR:—" There is no such proposal under the consideration of the Government. While we may expect certain classes of crime to be reduced in course of time as a result of the abolition of the drink habit on account of Prohibition, the enforcement of Prohibition specially in the early stages needs some strengthening of the police forces on whom the duties that previously fell on Excise officials, are now laid."

SRI K. V. R. SWAMI:—" May I ask the Hon. Premier if is going to increase the staff from next year? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" My answer is perfectly clear. I do not think there is any difficulty in understanding the words I have used. Certain crimes will be reduced as a result of the abolition of the drink evil. Then the police force in respect of those crimes can possibly be reduced. But now the work of enforcing Prohibition rules fall on the police in those places where Prohibition has been introduced and the Excise officials are not there. To that extent there may be an increase. It is difficult for me to see any ambiguity in my answer."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" May I ow if the volume of crimes under the Prohibition Act is so much to make it impossible for the Government to reduce the number Police officials? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" We have created a new crime by the Prohibition Act and that crime has to be detected, prosecuted and prevented. We have removed the Excise officials who were previously regulating the illicit practices in those areas; a certain number of policemen have to replace those Excise officials. Whether ulti-

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BASHEER AHMED SAYEED SAHIB BAHADUR:—" Do I understand the Hon. Premier to say that any increase at present in the strength of the police will be only temporary and when the time comes, it will be restored to its normal strength? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" There are two departments, the Excise department and the Police department. The Police department till now were looking after crimes A to M. The Excise department were looking after crimes N to Z. Now crimes A to Z have to be looked after by one department and the consequences may be inferred by the hon. Member."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" In view of the additional work thrown on the police on account of the introduction of Prohibition, am I right in asking the Hon. Prime Minister whether it is not a fact that there are several areas in the Presidency which are not sufficiently policed now? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" That is a different question and does not arise out of Prohibition."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Sir, may I explain myself? My supplementary question arises very rightly. We are now concerned with the total strength of the police. The point I am driving at is whether we want more police in the matter of its number or strength."

THE HON. SRI C. RAJAGOPALACHARIAR:—" The Leader of the Opposition is kind enough to suggest that apart from the question of Prohibition, which is the question here there is need in some places for increased police force. I believe there are some places where you have increased police force. It is not as if I can accept the suggestion made straightaway. It may be necessary to reduce the police in some places and increase it in some other places."

Payment of the Treasury Bills issued in certain months in 1938

* 61 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the treasury bills issued in August, October November and December 1938 for Rs. 190 lakhs have all been paid before the 31st March 1939; and

(*b*) if not, why not? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" (*a*) The answer is in the affirmative.

" (*b*) The question does not arise."

45 SRI G. KRISHNA RAO:—" May I know what discount was
m. allowed for this 190 lakhs of treasury bills issued by the Government? "

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THE HON. SRI C. RAJAGOPALACHARIAR:—" The discount varies according to the prevailing market rates. Our ways and means have to be adjusted to our revenues and our expenditure for the twelve months of the year. From January to April, we get money in; from May to December, we have to give money out and temporary loans—which is the meaning of these treasury bills—have to be raised from May to December. It all depends on the length of the period of the bill and the state of the market. As a matter of fact, the averages can be seen from the newspaper **communiqués** that we issue from time to time. The average is not bad at all."

SRI G. KRISHNA RAO:—" May I know if it would not ive been possible for this Government to draw money from the eserve Bank on the ways and means side instead of floating such easury bills? "

MR. SPEAKER:—" It is not a supplementary question."

THE HON. SRI C. RAJAGOPALACHARIAR:—" If I may be permitted to mention, that question is always before the Government. We consider the balance of advantages in borrowing from the Reserve Bank on the ways and means side or from floating these treasury bills, and the Government have always been following the more economical method."

Cleavages and openings in the walls of the General Hospital, Madras.

* 62 *Q*.—SRI D. RAMALINGA REDDIYAR: Will the Hon. ie Minister for Public Works be pleased to state—

(*a*) whether the Government have received the report which as called for from the Chief Engineer about the existence of eavages and openings in the walls of the General Hospital iildings; and

(*b*) what action was taken by the Government on the report received?

THE HON. MR. YAKUB HASAN:—" (*a*) The Chief Engineer's report has been received and it furnishes the following information:—

(1) The cracks noticed are in the bottom faces of the reinforced concrete lintels over doors and windows of the ground floor and the reinforced brick partition walls and in some places in walls of the new out-patient department building. The work was done between 1929 and 1932. The cracks under the first two items were mainly due to the use of sea sand. Owing to the salinity of the sea sand coupled with the salinity in the atmosphere, the reinforcing rods near the surfaces became rusty resulting in

their bulging and the cover over the reinforcement peeling off. The cracks under the last item are due to the expansion of the reinforced concrete roof slab. The cracks are however not serious and action has been taken to have the necessary repairs carried out.

(2) The out-patient block was built by the General Construction Company, Madras. Under their contract, the contractors were bound to make good defects that appeared within six months after the date of completion of the work. They did rectify such defects that so arose, but the cracks in the lintels and the brick partition walls appeared only very much later.

(3) Steps were taken in 1933 to safeguard against similar defective sand being used in works and the use of river sand was ordered for the remaining portion of the work.

"(b) In view of the statements contained in the answer to clause (a) above, the Government do not propose to take any further action in the matter."

Object in collecting the information necessary for the starting of a paper mill at Mettur.

* 63 *Q*.—Sri K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) what the object of the Government is in gathering the information required for the starting of a paper mill at Mettur; and

(*b*) whether it is to supply this information to any foreign firm to start the industry or whether they have any idea of starting one themselves?

The Hon. Sri V. I. MUNISWAMI PILLAI:—"(*a*) The object was to answer enquiries received by the Forest department from commercial firms for detailed information about the quantities of and rates at which sustained supply of forest produce, such as fuel, charcoal and bamboos could be undertaken by the department in connexion with the manufacture of paper pulp on a commercial scale, and to undertake actual supplies eventually, if such a course was decided on.

"(*b*) The answer is in the negative."

Abolition of the Working Plans Circle in the Forest Department.

* 64 *Q*.—Sri K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether it is a fact that the Government have applied to the Secretary of State for India for sanction to abolish the Working Plans Circle in the Forest department;

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(b) whether any reply has been received from the Secretary of State; and

(c) if so, what it is?

THE HON. SRI V. I. MUNISWAMI PILLAI :—" (a) The Working Plans Circle has been abolished already by the Provincial Government.

" (b) & (c) The questions do not arise."

Supply of bamboo for the paper and pulp mills at Mettur.

*65 Q.—SRI K. V. R. SWAMI : Will the Hon. the Minister or Industries and Labour be pleased to state—

(a) for how long the question of price at which bamboo could be supplied for paper and pulp mills at Mettur, has been under examination by the Government; and

(b) at what stage the same is now?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri :—" (a) & (b) Mr. C. R. Ranganathan, Deputy Conservator of Forests, now Director, Rangers' College, Dehra Dun, when preparing the working plan for the Kollegal division in 1932, and Mr. E. A. Lasrado, Deputy Conservator of Forests, who was placed on special duty in 1938, for investigating the forest resources near Mettur, examined the possibilities of establishing a bamboo pulp mill at Mettur. Mr. Ranganathan's note on the subject, as slightly amended with reference to the present-day conditions, has been published as a press note for general information."

SRI D. V. RAMASWAMI :—" May I ask, Sir, why an earlier report like that of Mr. Ranganathan was published when there is a later report by Mr. Lasrado on this subject? "

SRI B. S. MURTI :—" The Government thought that Mr. Ranganathan's report was exhaustive."

SRI D. V. RAMASWAMI :—" May I ask whether the Government will be pleased to place the report of Mr. Lasrado on the table of the House? "

SRI B. S. MURTI :—" The press note which was issued is one based on Mr. Ranganathan's report, and the question of placing Mr. Lasrado's report will be considered."

SRI D. V. RAMASWAMI :—" May I ask, Sir, why not the Government be pleased to take up the question of encouraging existing mills instead of starting new schemes at Mettur and other places? "

MR. SPEAKER :—" That is a different question."

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Policy of Government in regard to the agency for the development of industries in this Province.

* 66 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state whether the policy of the Government with regard to the development of industries in this Province is to gather information in respect of certain industries and supply the same to capitalists or to start such industries themselves so that the profits might go to the benefit of the people?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of Hon. Sri V. V. GIRI:—" The attention of the hon. Member is invited to the answer given to clause (*a*) of starred question No. 1062 asked by him at the meeting of this House on the 27th March 1939."

Manufacture of artificial silk.

* 67 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have considered the question of making experiments in respect of manufacturing artificial silk?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of Hon. Sri V. V. Giri:—" The attention of the hon. Member is invited to page 11 of the Administration Report of the Industries department for 1936–37, page 14 of the Administration Report of the Industries department for 1937–38 and page 45 of a note on ' the Economic Resources of the Province of Madras and Possibilities of their development ' by Mr. L. B. Green, copies of which are available for reference in the Library of the Madras Legislature."

Sri K. V. R. SWAMI:—" May I know whether the Government are going to have an investigation in the matter? "

Sri B. S. MURTI:—" The Government are undertaking all investigations as far as possible, Sir."

Sri H. SITARAMA REDDI:—" May I know whether the Industrial Research Bureau of the Government of India have been consulted in connexion with the starting of this industry in this Province? "

Sri B. S. MURTI:—" This Government are always in touch with the Central Government."

Sri H. SITARAMA REDDI:—" May I know what has been the result of that touch? "

(No answer.)

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Number of Ceylonese residing in this Province and their calling.

* 68 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) the number of Ceylonese residing in this Province; and

(*b*) the professions they follow?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—"(*a*) Six thousand one hundred and seven persons in the Province were born in Ceylon according to the census of 1931.

"(*b*) The Government have no information."

Preparation and publication of standard books for use in elementary schools.

* 69 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Education be pleased to state—

(*a*) whether it is a fact that the Government have under contemplation a scheme to publish standard books for elementary schools and prescribing the same for those schools;

(*b*) if so, when this scheme will be given effect to; and

(*c*) whether the publishers who have been doing this work will be given sufficient notice beforehand?

The Hon. Sri C. J. VARKEY:—"(*a*) & (*b*) No decision has yet been taken in the matter.

"(*c*) The suggestion will be considered."

Levy and collection of "the inclusion fees."

* 70 *Q.*—Sri KALA VENKATA RAO: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the districts in which what are called "the inclusion fees" are levied;

(*b*) the rate so collected per acre; and

(*c*) the total sums collected, districtwar, from the year of the levy up to the end of the last fasli or till such date for which figures are available?

Sri T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—"(*a*) Districts of Guntur, Kistna, East Godavari and West Godavari.

"(*b*) The rate is Rs. 25 per acre subject to the exception that in the case of eksal lands under irrigation for five years or more continuously, the rate shall be Rs. 12–8–0 per acre.

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" (c) The amounts so far collected according to a report, dated 29th July 1939, are stated below:—

	RS.	A.	P.
Guntur	35,028	4	8
Kistna	1,57,000	0	0
East Godavari	21,135	1	8
West Godavari	4,77,308	11	3"

SRI KALA VENKATA RAO:—" May I know what was the anticipated collection from the levy of these inclusion fees? "

SRI T. VISWANATHAM:—" Slightly over Rs. 26 lakhs, Sir. "

SRI KALA VENKATA RAO:—" How much of it was realized, Sir? "

SRI T. VISWANATHAM:—" I have just now given the figures; so far, the Government have collected about Rs. 7 lakhs."

SRI KALA VENKATA RAO:—" Is it a fact that this fall in realization is due to the heavy fee imposed and as such people are reluctant to extend cultivation? "

SRI T. VISWANATHAM:—" The hon. Member's suggestion may be right, but the Government cannot accept it straight-away."

SRI G. RANGIAH NAYUDU:—" Have there been any complaints so far received by the Government? "

SRI T. VISWANATHAM:—" Several complaints have been received and the Government are considering them. "

SRI KALA VENKATA RAO:—" Is it a fact, Sir, that in Kistna district while the ordinary pattadars paid the fees, the big landowners and zamindars who own kamatam lands have not paid their dues all these years? "

SRI T. VISWANATHAM:—" Accounts on that basis have not unfortunately been kept, Sir; it may be that there are some cases as the hon. Member suggests."

SRI KALA VENKATA RAO:—" Is it a fact that inclusion fees are levied only when there is a new irrigation project and capital expenditure? "

SRI T. VISWANATHAM:—" I do not know whether that is the policy in regard to all the projects, but in this case it was so. "

SRI KALA VENKATA RAO:—" Were any inclusion fees levied when the Gannavaram and I. Polavaram *aqueducts were* constructed? "

SRI T. VISWANATHAM:—" Notice, Sir. "

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Sri KALA VENKATA RAO:—" Is it a fact that no inclusion fees were levied after the Mettur project was brought into existence? "

Sri T. VISWANATHAM:—" In the new Mettur project areas they were not included, Sir, because they were expected to pay a fairly heavy water-rate."

Sri KALA VENKATA RAO:—" In view of the fact that these fees are very unpopular in the districts in which they are levied, will the Government consider the desirability of cancelling these fees early? "

Sri T. VISWANATHAM:—" The suggestion that the fees are unpopular is there; almost all taxation for the matter of that is unpopular; but the Government are considering the policy as already suggested."

MAHBOOB ALI BAIG SAHIB Bahadur:—" May I know whether it is not a fact that the Marjoribanks Committee Report recommended the abolition of these inclusion fees? "

Sri T. VISWANATHAM:—" May be; I am not quite sure of it."

Sri KALA VENKATA RAO:—" Will the Government be pleased to consider the desirability of suspending the collection of these fees till the Government come to a definite conclusion on this matter? "

Sri T. VISWANATHAM:—" Extensions of time for payment have been given from time to time."

Sri KALA VENKATA RAO:—" Will it be made a general policy? "

Sri T. VISWANATHAN:—" No promise can be made, Sir."

MAHBOOB ALI BAIG SAHIB Bahadur:—" May I know if the insistence on the payment of these inclusion fees has the effect of restricting the extension of cultivation? "

Sri T. VISWANATHAM:—" The suggestion may be right, but the Government do not accept it straightaway; they are examining it."

Sri D. RAMALINGA REDDIYAR:—" Are the Government aware that in North Arcot district, the reclassification of Government irrigation sources in the last resettlement, 1913–15, and the percentage enhancement of rates therein are unpopular? "

Sri T. VISWANATHAM:—" North Arcot is very far off from these districts, Sir. "

Sri D. RAMALINGA REDDIYAR:—" It is not far off from Kistna."

SRI T. VISWANATHAM:—"The subject matter of the supplementary question is far distant from the original question—that is what I meant." (Laughter.)

MAHBOOB ALI BAIG SAHIB BAHADUR:—"From the answers so far given by the Parliamentary Secretary, Sir, is it not clear that the extension of cultivation has stopped on account of the insistence on payment of these inclusion fees?"

SRI T. VISWANATHAM:—"I have no doubt that the hon. Member makes that inference, but the same inference should be made by others also on the figures given."

SRI KONDA VENKATAPPAYYA:—"Is there any reduction proposed with reference to soil classification in these areas?"

SRI T. VISWANATHAM:—"In answer to clause (*b*) of the question, I have stated that the rate is Rs. 25 per acre 'subject to the exception that in the case of eksal lands under irrigation for five years or more continuously, the rate shall be Rs. 12-8-0 per acre.' I have also stated that in hard cases, the Collector has been instructed to give concessions."

SRI KALA VENKATA RAO:—"Is there any proposal to exempt poor persons who own less than ten acres of land?"

SRI T. VISWANATHAM:—"If the hon. Member means that there have been proposals from the public to that effect, I say 'yes'; they are before the Government."

SRI KALA VENKATA RAO:—"Are they passing any orders early?"

SRI T. VISWANATHAM:—"I repeat again that Government are considering the question from every point of view."

UNSTARRED QUESTIONS

Construction of an open latrine for the Harijans of Yellamanchili.

6 *Q.*—SRI S. GURUVULU: Will the Hon. the Minister for Public Health be pleased to state at what stage the proposals for the construction of an open latrine for the Harijans of Yellamanchili are, and the probable time that may be required for the completion of the construction?

A.—The Government are not aware of any such proposal.

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Number of the educated unemployed in each district and the steps taken to secure employment for them.

7 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) the number of educated unemployed in each of the districts for which information was gathered;

(*b*) whether the Government have any proposals to help these men; and

(*c*) if so, what they are?

A.—(*a*) The attention of the hon. Member is invited to the Press Communiqué issued with G.O. No. 1356, Development, dated 27th May 1938.

(*b*) & (*c*) The Government have under consideration a scheme for the colonization of the educated unemployed.

Investigation into the family budgets of industrial workers in the City.

8 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the investigation into the family budgets of industrial workers in the City of Madras has been completed; and

(*b*) if so, what the result of the investigation is?

A.—(*a*) & (*b*) The investigation has been completed. The report on the enquiry was printed and copies were distributed to persons likely to be interested in the matter.

Measures for the development of Cottage Industries in this Province.

9 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether the Government have received any proposals for the development of the existing cottage industries;

(*b*) whether these proposals have been considered by them; and

(*c*) if so, what their decision in the matter is?

A.—(*a*), (*b*) & (*c*) The Collectors have been asked to prepare comprehensive memoranda on the manner in which the interests of the cottage industries in their districts can be furthered, to place them before the District Periodical Conference for discussion and to submit a detailed report on the subject in due course. Reports from eight Collectors have so far been received. They are under the consideration of Government.

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Number of steamers belonging to Indians or Indian companies plying between the coastal ports of this Province.

10 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) what the number of steamers plying between the coastal ports of this Province is; and

(*b*) how many of them belong to Indians or Indian companies?

A.—(*a*) & (*b*) A report has been called for from the Presidency Port Officer.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

IV.—ADJOURNMENT MOTION *RE* THE POLICE RAID ON THE "VIDUTHALAI" AND "KUDI ARASU" OFFICES.

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Mr. Speaker, regarding the police raid on the *Viduthalai* and *Kudi Arasu* offices, have I your consent to move an adjournment mation, Sir."

MR. SPEAKER:—" What is that police raid? Is it a raid in the usual course of the administration of law or is it anything extraordinary and out of the administration of law? "

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Sir, we have information to the effect that the police raided and searched some of the documents there. We want to know from the Government whether and under what circumstances they ordered this raid and why they did it. It is for this very purpose we want to move this adjournment motion, to elicit first-hand information from Government in regard to this matter. That is the object of the adjournment motion."

MR. SPEAKER:—" That may be a good matter for a question, but how can it be a matter for an adjournment motion? Searches take place every day in the usual course of the administration of law. "

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Some of us consider, Sir, that it is extraordinary and unusual and unwarranted; it is that that makes us put in this motion; for they are the only newspapers which are now opposed to Government views; therefore we consider it very extraordinary that a newspaper office should be raided and searched at this stage of politics in this Province. That is the main reason why we are alarmed at the way in which police searches are made. I do not want to refer to the searches made in Madras with regard to persons connected with the anti-Hindi agitation. We are in doubt whether

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his and that are both in any way connected; that is why we are larmed at these raids. We feel that there is no necessity for ich sensations being created, particularly against those who old different views from those of the Government. As a matter f fact, we feel that this Government, constiuted as it is . . . "

MR. SPEAKER:—" I think a regular speech is being elivered. "

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I n sorry, Sir. We now feel . . . "

MR. SPEAKER:—" It is a search made for some documents; it not? "

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I o not say for documents or for any other purpose. I do not know nything about all that."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" May I say 4 p. word, Sir? The Leader of the Opposition was pleased to give e a copy of a short notice question with reference to this subject nd immediately I have taken steps to find out what the matter about and as soon as information is got, I have no doubt it will able me to answer the Leader of the Opposition if any question put on the subject. But, this refers to the motion for an adjourn-ent on this subject. After receiving notice of the matter, I saw the newspapers a report about the search and after all I do not e anything unusual was done so far as I can gather from the port, but I cannot use that as the final basis for answering the ques-on. Unless the Leader of the Opposition is prepared to adduce y further ground that the action of the police was outside the dinary law, he cannot bring forward a motion of this kind; cause I do not think any ordinary procedure taken by the police-an or the magistrate in the discharge of his duties can be made e subject-matter of an adjournment motion here unless all ordi-ry procedure has come to a standstill. Therefore, Sir, I submit at if a policeman has exercised his normal powers under the iminal Procedure Code—of course he cannot be allowed beyond at—it would not be the proper reason for an adjournment motion re."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:— I beg to submit particularly with reference to the statement just w made by the Hon. the Premier that if the police do things der the force of law nothing can be moved on the floor of this use, that this is an extraordinary position. It is indeed extra-dinary that such a statement should come from the Hon. the ime Minister who has experience of the police and who has also d the experience of demanding from the Government of that day explanation of their conduct with regard to their doings. . ."

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MR. SPEAKER:—"I want the Hon. the Leader of the Opposition to confine himself to the subject-matter of the adjournment motion."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Yes, Sir, I am confining myself to the motion. The Hon. Prime Minister stated that if I have information to the effect that the search and the raid were made only under the force of law, then I have no reason to move it. If on the other hand, it is otherwise, it will be said that the police will not go outside the law. Sir, there are several actions of the police . . ."

MR. SPEAKER:—"I have to give my consent to the motion. The Hon. the Leader of the Opposition and the Hon. the Prime Minister have explained their position. But, I want to know if there is anything extraordinary in the manner and in the extent of the search or in the authority exercised by the police, or whether they have gone out of the administration of the ordinary law. If there is any such thing, then I will consider the question."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I will submit to you presently, Sir. Your remarks and the Prime Minister's statement . . ."

MR. SPEAKER:—"I want to have a direct answer from you to my question . . ."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I shall be able to answer your question fully if I am allowed just half a minute to complete what I wanted to say. In regard to what the Prime Minister stated I think it is difficult for me to say how anything contravening the law has happened. But there may be several actions done by the police under the law and under the orders of the magistrate, which become matters of urgent public importance and to which any political party in the House may take exception. On this particular matter, Sir, we feel that the raid and the search were alarming acts of the police considering the circumstances prevailing in this part of the country, particularly in the Tamil Nad where these newspapers are encouraging Tamil literature and the fact that the Government have been opposed to this. So, Sir, I consider there are good grounds for the motion . . ."

MR. SPEAKER:—"If there had been shooting and lathi charges then I will consider the question of allowing the adjournment motion. I want to know whether there has been any departure from the normal administration of the law, in this particular case of the search, because searches are made by the police almost every day, with regard to offences."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Searches are not the order of the day and particularly with regard to this matter we feel that the policy of the Government is

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rdering the search of these newspaper offices is not justified. hat is my point."

MR. SPEAKER:—"So, you think that under no circumstances e search of a newspaper office is justified. I want only to know hether there has been any departure from the normal administra- on of the law in conducting the search. That is my question."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"May I be lowed to say one word, Sir?"

MR. SPEAKER:—"I will allow you if there is any case to put forward. I want to satisfy myself if there had been any parture from the ordinary procedure in regard to this matter."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I want to ow whether only in cases where the action of the police is outside e law that adjournment motions can be moved and not in cases ere it is within the law?"

MR. SPEAKER:—"I think if there had been normal admini- ration of the law, there can be no discussion about it; for that ere must be a departure from the normal administration of the w."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"I do not derstand what the Chair means by the 'normal administration the law'. Am I to understand that it would be abnormal only en it is illegal?"

MR. SPEAKER:—"Every abnormality cannot be illegal."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"If the act ne is within the limit of the law, it cannot be abnormal but it ll be considered normal. Adjournment motions can be moved t merely in cases where the act done was illegal . . ."

MR. SPEAKER:—"I never said 'illegal'; what I wanted to ow was whether there had been any departure from the ordinary ocedure or whether there had been any abnormal methods opted by the police or whether there had been anything extra- dinary in the extent or the manner of the search, and what had ally happened."

RAO BAHADUR SIR A. T. PANNIR SELVAM:—"It is abnormal this sense. It is an ordinary offence, but it is presumably for offence connected with some anti-Ministerial activity that they ve taken this action; in that sense it is abnormal."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I submit, r, it is simply for arguing upon some hypothetical consideration at the Leader of the Opposition, I take it, had this particular icial action for putting a question and we must find out the

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fact. Now the only question is the allegations as he has put it in the motion. I submit it is an utter violation of all administrative procedure if every normal activity of the administration has to become the subject-matter of discussion on the floor of this House, and all officers will be under intimidation if we begin to discuss things like this. I think nothing can be carried on."

MR. SPEAKER:—" The subject-matter of the adjournment motion is the *raid* and search by the police of the offices of 'Viduthalai' and 'Kudi Arasu'. No case has been made out by the mover of the adjournment motion to show that there has been a departure from the normal administration of the law. The Chair therefore refuses to give its consent to the motion."

Official Business.

V.—MOTION *RE* THE MADRAS GENERAL SALES TAX (TURNOVER AND ASSESSMENT) RULES, 1939.

*THE HON. SRI C. RAJAGOPALACHARIAR:—" Mr. Speaker, I beg to move—

'*that the draft rules* [a] *which it is proposed to make in exercise of the powers conferred by sub-section* (2) *of section* 3 *of the Madras General Sales Tax Act*, 1939 (*Madras Act IX of* 1939), *be approved*.' "

Rule 4 (2) (*a*).

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I beg to move, Sir—

'Add *the following words after the word* " *groundnut* ":—
" *exported outside the Province* ".'

" The object of my amendment is that it was not the intention of the framers of this Act that this commodity should be taxed except at the point when it is exported outside this province. At that time, we considered it inadvisable to tax this commodity to the extent it is used in our Province, for the purpose of making oil or oil-cakes and things of that nature. Moreover, this is an article which is very much in use for domestic purposes and this is quite a necessary article. Besides this, Sir, the oil and oil-cakes that are made out of this groundnut are also exported and they have to be taxed at the time of their export. I therefore hope the Hon. the Prime Minister would accept this amendment for it wishes to bring out the object that we had in mind when the Bill was under consideration."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" I second it, Sir."

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* THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, this is cognate with certain other amendments that are coming up. In fact there are amendments to bring in the words ' exported outside the *Province* ' in respect of the articles which have been mentioned and to place them on the buyer's basis instead of on the seller's basis. Hon. Members are aware that when once a particular article is placed on the buyer's basis, the same thing cannot be put on the seller's basis; there will then be also the risk of double taxation and confusion. If a certain article is picked out and placed on the buyer's list, it cannot be subjected to another taxation; so when once an article is placed on a particular basis there should be some uniformity about it. Now, the proposal is to select out of the stuff such of the stocks as are intended only for export and to tax them and not that which is consumed in the Province which will have to be put on the buyer's basis. Sir, I do not propose to ask for any exemption. The object is to provide the basis of taxation, whether it should be on the seller's basis or on the buyer's basis. It will be administratively impossible, because in all the earlier stages of the sales and purchases it would be difficult for anybody to find out whether the groundnut or the tobacco is ultimately going to be exported or consumed here, so that if we adopted this formula it would be difficult for officers to find out even on the best material available whether a particular article is intended for export or not. That is not possible to find out; or you will have to accept the statement of the parties concerned. Again, the parties will not be able to say that; for, in the mufassal when the produce is collected, they will not be able to say whether it is intended for consumption in the internal market or will go to the external market. Hence it is not possible to make this distinction administratively. The principle of the objection could apply to other articles also and not only to these three or four articles. In any case, the multiplicity could not be got over. I submit, Sir, that it is administratively impossible to accept the amendment. I may admit that it is the export incidence of it that made the Government to classify this on the buyer's basis and I submit that this distinction with reference to each particular stock would be impossible. I am sorry I cannot accept the amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I be permitted to clear a misapprehension on the part of the Hon. the Premier with regard to the intention of the amendment—that the intention was to exclude this particular commodity even at the buyer's stage altogether and to tax it only at a stage when this commodity is exported? The Hon. the Premier evidently thought that this commodity should be split up into two, one to be taxed at the buyer's stage and the other to be taxed at the exporting stage. My intention in moving this amendment is to exclude this commodity from being taxed at any stage except at the stage where a particular portion of the commodity is exported."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" After hearing the explanation, it is obvious that whatever the object of the amendment may be, the attempt is to keep the commodity altogether out of the tax. The sale to a foreign country or customer can be brought outside the Act in a number of ways but the sale through an exporter can be taxed under the Act as it now stands. Though the amendment is put in a very mild manner that it should be taxed only at one stage, at the export stage, it will create a position which could be easily escaped from, that is to say, the stock will altogether escape taxation. Therefore, Sir, we are not in a position to accept the amendment."

The amendment was put and lost.

Rule 4 (2) (*b*).

ABDUL HAMEED KHAN SAHIB BAHADUR:—" There are two parts to my amendment; one is for the deletion of rule 4 (2) (*b*) and the other is to add the words ' exported outside the Province ' after the word ' tobacco.' I request I may be permitted at first to move the deletion of item (*b*)."

MR. SPEAKER:—" Yes."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I move—

' Delete *rule* 4 (2) (*b*).'

" I do remember that so far as the tobacco tax is concerned, only manufactured tobacco is exempted from the General Sales Tax. I wish to point out that there are a number of varieties of leaf tobacco which is used for the manufacture of bidis, cigarettes, cheroots and things of that sort. It goes against the intentions of the framers of the Act because they only wanted to tax manufactured tobacco; but now you are going to add to the incidence of taxation on this article and the tax will have to be borne by the manufacturer. I do not think that at this stage it would be proper or just to add to the burden of this class of people who are in that profession, men who are generally poor. Although it may be possible to tax the person who sells leaf tobacco, the incidence will be the same whether it is on the person who sells or the one who buys. The incidence would be on the particular class of people engaged in the manufacture of bidis and cigarettes. I ask, therefore, whether it would not be possible to try and reduce the incidence of taxation on this particular commodity. I know at the same time that there will be a large quantity of leaf tobacco which will be used for purposes other than manufacture and that particular commodity will escape taxation altogether. But I do hold that it is not wrong to relieve this article altogether from the tax, seeing that it is used by the poor people. If the Hon. the Premier will agree to the amendment, he will be reducing the incidence on one class of people, who are poor."

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* S. K. SHAIK ROWTHER SAHIB BAHADUR :—" *கனம் தலைவரவர்களே, விற்பனைவரி சட்டம் 4 (2) (b) சம்பந்தமாக நான் கொஞ்சம் பேசவிரும்புகிறேன். இலைப் புகையிலைக்கு விதிக்கப்பட்ட விற்பனைவரி வசூலிக்கும் சட்டம் விஷயமாக சில சந்தேகங்கள் ஏற்பட்டிருக்கின்றன. அந்த சந்தேக நிவர்த்திக்காகத்தான் நான் இப்பொழுது பேசுகிறேன்.*

" *விவசாயிகளிடமிருந்த இலைப் புகையிலையை விலைக்கு வாங்கும் வியாபாரிகள் அதை விற்பனை செய்யும் விஷயத்தில் மூன்று முறையை அனுஷ்டித்துவருகிறார்கள். முதலாவது முறை—தாங்களே மற்ற வியாபாரிகளுக்கு நேரில் விற்பனை செய்கிறார்கள். அதைப்பற்றி விசேஷமாகப் பேசவேண்டியது ஒன்றுமில்லை. இரண்டாவது முறை—சட்டத்தில் சொல்லப்பட்ட புரோக்கர், கமிஷன் ஏஜண்ட் இவர்கள் மாறலாக விற்பனை செய்கிறார்கள். அவர்களைக்கொண்டு ஆள் உதவியைத் தவிர வேறு ஒன்றும் கிடையாது. அவர்கள் கைவசம் சரக்கு வைக்கக்கூடாது. பண விஷயத்தில் ஒரு விதமான பொறுப்பும் கிடையாது. சுருங்கின கமிஷன் மட்டும் கிடைக்கிறது. வேறே ஒரு பொறுப்பும் அவர்களுக்கில்லை. மூன்றாவது முறை—இந்த முறை முக்கியமான முறை—கமிஷன் வியாபாரிகள் என்கிறவர்கள் மாறலாக விற்பனை செய்கிறது. இவ்விதமான விற்பனைதான் ஜாஸ்தியாக நடைபெற்று வருகிறது. மதுரையிலும் பாலக்காட்டிலும் சுமார் 45 அல்லது 50 லக்ஷம் ரூபாய் விலை பெறுமான இலைப் புகையிலை இந்த விதம் கமிஷன் வியாபாரிகள் மாறலாக விற்பனையாகிறது. இந்தக் கமிஷன் வியாபாரிகளைப்பற்றி சட்டத்தில் ஒன்றும் சொல்லக்கிடையாது. விவசாயிகளிடமிருந்து வாங்கும் சரக்குகளை கமிஷன் வியாபாரிகளிடம் விற்பனைக்காக ஒப்புவிக்கிறார்கள். அவர்கள் தங்களுடைய பொறுப்பின்பேரில் வேறு வியாபாரிகளுக்கு வாயிதாவின்பேரில் கடனாக விற்பனை செய்து பணம் வசூல் செய்கிறார்கள். வியாபாரிகளுக்கு விற்பனையானவுடனே பணம் ரொக்கம் கொடுத்துவிடுகிறார்கள். தங்களுக்கு குறைந்த ரேட் கமிஷன் எடுத்துக்கொள்ளுகிறார்கள். இவ்விதம் கடன் கொடுத்து பணம் வசூல் செய்யும் கஷ்டமும் பொறுப்பும் கமிஷன் வியாபாரிகள் தான் எடுத்துக்கொள்ளுகிறார்கள். சரக்குடைய சொந்தக்காரர்களான வியாபாரிகளுக்கு ஒருவிதமான பொறுப்பும் கஷ்டமும் கிடையாது. இவ்விதம் விற்பனையாகும் சரக்குகளின் விற்பனைவரி யாரிடத்திலிருந்து வசூல் செய்கிறதென்கிறதாக சட்டத்தில் இருக்கவில்லை. அந்த வரியை கமிஷன் வியாபாரிகளிடமிருந்தோ அவர்கள் மாறலாகவோ வசூல் செய்யக்கூடாது. அந்த வரி* Draft Rule 4 (2) (b) *படிக்கு சரக்கு வாங்கும் வியாபாரிகளிடம்தான் வசூல் செய்யவேண்டியது. ஆகையால் அப்துல் ஹமீது கானுடைய திருத்தத்தை நான் ஆதரிக்கவில்லை. இன்னும் விற்பனைவரி சம்பந்தமான ஒரு விஷயத்தை மட்டும் பேசி என் வார்த்தையை முடித்துக்கொள்ளுகிறேன். விற்பனை வரி மசோதா நிறைவேற்றப்பட்ட காலத்தில் சில பொருள்களை மட்டும் வரியிலிருந்து விலக்கப்பட்டிருந்தது. பிற்பாடு சில பொருள்களை மேற்படி விலக்கப்பட்ட ஜாப்தாவில் சேர்த்திருக்கிறதாகத் தெரியவருகிறது. ஏழைகளுக்கு முக்கியமான உணவுப் பொருளும் முக்கிய அவசியமுமான நெல், அரிசி, தேங்காய், தேங்காயெண்ணை, இவைகளையும் விலக்கப்பட்ட ஜாப்தாவில் சேர்க்கவேண்டியது அவசியம். அவ்விதம் சேர்க்கமுடியாவிட்டால் அந்தப் பொருள்களுக்கு தோல் முதலிய பொருள்களுக்கு சட்டத்தில் விதிக்கப்பட்டதுபோல ஒரு தடவை மட்டிலும் வரி விதிக்க சட்டத்தில் திருத்தம் செய்யும்படி பிரதம மந்திரியவர்களை ரொம்பவும் கேட்டுக்கொள்ளுகிறேன். இவ்வளவுநேரம் எனக்கு அனுமதி தந்ததற்காக தலைவரவர்களுக்கு நான் நன்றி செலுத்திக்கொண்டு என் வார்த்தையை முடித்துக்கொள்ளுகிறேன்.*"

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR :—" Mr. Speaker, I rise to support the amendment moved by my hon. Friend, Mr. Abdul Hameed Khan. As we all know, we have

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Well, Sir, I am sure it will be possible to get out of that difficulty, for they have the legalist's help to get over it, if only they wish to tax that part of tobacco which goes out of the Province. My object, Sir, as I mentioned in the earlier part of the debate, is—and I will repeat it here again—that it is certainly too much for us to expect those persons who are practically wholly engaged in tobacco trade and who are now manufacturers of various articles out of tobacco and who to-day are paying already a tax, should pay an additional tax on the same commodity even though it is in the state of being a 'leaf' when it is exported outside the Province. I want that class of people to be exempted when the commodity is in the 'leaf' stage.

"Further we know, now that the tax has come into force, how the people feel the levy of the duty. They expected that it would not be very heavy when the Bill was being discussed in the House. But now when it has come into force they feel that they were mistaken. So I take this opportunity of urging the lessening the rigour of the tax to some extent. And therefore I suggest leaf tobacco should be taxed only when exported outside the Province. Further it will justify the tax in this way: for if any tobacco goes out of the Province it is not in the interest of the Province, when there is ample opportunity to utilize it in the Province itself. So, Sir, it will not only be a source of revenue to the Government but it will also check export. Thus if my suggestions were to be accepted it will make the tobacco remain in the Province and give work to the people. For these reasons I commend the amendment for the acceptance of Government."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I have listened closely and attentively to what Mr. Hameed Khan has said, and I want him to realize and understand what exactly is in the minds of the Government in this respect. He will realize that it is not possible to make a discrimination between one class of buyers and another class of buyers and one class of exporters and another class of exporters. Nor is it possible to find out whether a thing is intended for export or for internal consumption. I can appreciate his feeling when a particular manufactured article is subject to a substantial taxation. But, I submit, otherwise we

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already passed a separate enactment for the taxation of tobacco and naturally people are under an impression that dealers in tobacco will not be required to pay any tax under this Act. I feel that it is not advisable to tax the buyers of tobacco for the reasons fully explained by my hon. friend. If, however, tobacco could not be removed from this list, I only plead that the tax might be imposed on sale and not purchase."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I hope that the hon. Member realizes that by the deletion of this item the gain secured would be that leaf tobacco would not be on the buyer's scheme but will fall into the residuary scheme, namely, under the ordinary General Sales Tax. What is the result of that? Considering the nature of the commodity, dealers below a turnover of Rs. 10,000 will entirely escape taxation, because in the ordinary course of trade it is only the small dealer that sells to the person who converts it into bidis and for export purposes. If Mr. Abdul Hameed Khan believes that this taxation under the Sales Tax on the buyer's basis will add to the burden on the manufactured tobacco and for that purpose wants to persuade the Government to give it up, what would be the consequence? The consequence will be that the bulk of the business will escape taxation, namely, the bulk that goes into the export trade and the bulk of the business will be the exporter's business. I submit it is not in consonance with the policy of the Government which wants to levy a tax in respect of the bulk of the trade nor is it I suppose his intention behind the proposal. If, however, we find that in the administration of the Acts, the Tobacco Act and this Act, any particular commodity is being over-taxed, steps will be taken separately to meet it after experience. The present proposal will not, I am afraid, meet the objection he has in view without causing considerable damage to the whole policy of the Government. That is why I am not in a position to accept the amendment."

The amendment was put and lost.

MR. SPEAKER:—" Is it necessary that you should move the other amendment? "

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Yes. I move, Sir—

'Add *after the word* " tobacco " *the words* " *exported outside the Province* ".'

" Sir, the Hon. the Premier in replying to the earlier amendment said that some of the smaller sellers of this commodity would escape taxation altogether if the tax was transferred from the purchasing stage to the selling stage. And I think perhaps he would say even in regard to this amendment that this is an attempt to remove this commodity altogether from the scheme of taxation.

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Well, Sir, I am sure it will be possible to get out of that difficulty, for they have the legalist's help to get over it, if only they wish to tax that part of tobacco which goes out of the Province. My object, Sir, as I mentioned in the earlier part of the debate, is—and I will repeat it here again—that it is certainly too much for us to expect those persons who are practically wholly engaged in tobacco trade and who are now manufacturers of various articles out of tobacco and who to-day are paying already a tax, should pay an additional tax on the same commodity even though it is in the state of being a ' leaf ' when it is exported outside the Province. I want that class of people to be exempted when the commodity is in the ' leaf ' stage.

" Further we know, now that the tax has come into force, how the people feel the levy of the duty. They expected that it would not be very heavy when the Bill was being discussed in the House. But now when it has come into force they feel that they were mistaken. So I take this opportunity of urging the lessening the rigour of the tax to some extent. And therefore I suggest leaf tobacco should be taxed only when exported outside the Province. Further it will justify the tax in this way: for if any tobacco goes out of the Province it is not in the interest of the Province, when there is ample opportunity to utilize it in the Province itself. So, Sir, it will not only be a source of revenue to the Government but it will also check export. Thus if my suggestions were to be accepted it will make the tobacco remain in the Province and give work to the people. For these reasons I commend the amendment for the acceptance of Government."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, I have listened closely and attentively to what Mr. Hameed Khan has said, and I want him to realize and understand what exactly is in the minds of the Government in this respect. He will realize that it is not possible to make a discrimination between one class of buyers and another class of buyers and one class of exporters and another class of exporters. Nor is it possible to find out whether a thing is intended for export or for internal consumption. I can appreciate his feeling when a particular manufactured article is subject to a substantial taxation. But, I submit, otherwise we could not have it from any additional incidental taxation arising from the General Sales Tax also. So I submit he should leave it to Government to consider it in course of time. It cannot be solved by the amendment that he has now proposed. It will have to be solved in an entirely different method and considered in respect of incidence of taxation on the wholesale manufacture of ' manufactured tobacco '. Consequently we will have to consider it separately. I would, therefore, request him not to press his amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I do not press it, Sir."

The amendment was, by leave of the House, withdrawn.

Rule 4 (2) (*c*).

* MR. W. K. M. LANGLEY:—" Mr. Speaker, I beg to move the amendment which stands in my name, which reads as follows:—

' Omit *item* (*c*) *and* re-number *items* (*d*) *and* (*e*) *as items* (*c*) *and* (*d*) *respectively*.'

" As the Hon. Premier will appreciate I am not attempting to cover my amendment in any way. My amendment is a simple and plain attempt to have cashew entirely removed from this rather discriminating list in connexion with rule 4 (2). Now, Sir, I am afraid I shall have to go into the matter in some little detail, with your permission, because in my opinion this is a matter of the greatest possible importance. This matter of cashew manufacture and export is to my mind one of the romances during the period since I came to this country. When I first came to this country cashew practically did not exist as an article of export at all and it was only consumed in this country when somebody wanted promotion. For when somebody wanted promotion he sent to his superior a gift of raw cashew, which the superior used to chew, got ill and usually had to leave the country. (Laughter) And that was why it was called promotion nuts. In due course the United States of America found out the value of this nut provided it was properly roasted and prepared in a suitable and palatable way. It is only practically since the War, that is, within the last twenty years that this particular article has developed into one of the most important articles of commerce in South India. It is grown in many parts of the world. It is in fact not indigenous to India. I believe it was brought into India like many other articles of value, by the Jesuits. It grows elsewhere, in profusion under natural conditions. But owing to the absence of the extremely adaptable and intelligent labour in India it is not utilized by other countries.

" Now, I wish to impress first of all upon the Hon. the Premier that the finished cashew is in every sense of the term a manufactured article. I lay stress on this, because if I fail in this motion I have to make an appeal to him under a different heading, and that is the reason why I wish to impress on him that it is very much a manufactured article. It requires very considerable preparation, and in order to prepare it really well, it requires a considerable amount of machinery also. And above all, it provides an enormous amount of employment. I know a

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good deal about this trade, and I can state that to create an economic factory unit you should be able to roast 100 bags of cashew per day. And a factory unit, working on that basis, requires to employ every day all the year round no less than 700 women, quite apart from other kinds of labour, like workmen and mechanics in the factory. That is, one factory employs no less than 700 women. I know one firm myself which has no less than seven such units and so employs no less than 5,000 women. Well, that makes it an important trade, as, I think, everybody will agree.

" Now, as regards the other economic question, ' what does it bring to the ryot, to the small man in the country who has a few cashew trees? ' It is a peculiar tree in that it has not as yet been grown really satisfactorily on a plantation basis. It is extremely doubtful whether it will ever be possible to do so. Curiously enough it requires inhospitable soil, and it springs up in all sorts of unexpected places. You find it on waste land and in the gardens of most houses in South Kanara and Travancore. These raw cashews are collected and are now entirely consumed by factories engaged in the roasting and evporting trade. And the whole of this trade has only sprung up in the last twenty thrown away and wasted. Well, this tremendous demand for cashews means that all the produce of the cashew trees in South India is now carefully gathered, and sold to the exporters in the ordinary way of trade and commerce. Unfortunately the Government of India Statistical Department's figures of cashew are very unsatisfactory. But I have got figures myself, which I know can be relied upon based as they are upon estimates by people in the trade. The estimates show, that in the last twelve months 46,500 tons of raw cashews were collected in Southern India, which includes Travancore also. And this represents a value of no less than sixty lakhs, taking the price at which raw cashew is now sold. That means, twenty years ago these cashew trees produced nothing at all. But now no less than 60 lakhs is put into circulation entirely due to the skill and commercial ability of the roasters and exporters.

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" I think the Prime Minister will agree with me that that is a very important trade and I might emphasize that it is a growing trade which should be encouraged. Hitherto it was confined to one country, i.e., the United States of America; now Europe, Australia, England, South Africa and all parts of the world are taking these roasted cashewnuts, the value of which to the ryot is now about 60 lakhs but which will in my opinion in a very short number of years be increased very considerably. It is a very important industry. I said that it is a new industry and I cannot see why the Government should suddenly seize upon this new

industry which has only just started to make it a subject for this invidious taxation under this particular rule. It seems to me that the Prime Minister is rather like the famous Silas Wegg in Dickens who remarked when he saw a church, " Let us go in and get married.' Similarly the Prime Minister directly he sees a new industry, says: 'Here is an industry, let us tax it.' And it seems to me that this particular attitude of the Government conflicts very considerably with the Government's proposed desire to foster and increase industry in every possible way. We see the Minister for Industries going about the country and trying to encourage industries in every possible way. But I am beginning to wonder whether he is not sent out as an emissary of the Finance Minister to see whether he could create or find some new industry so that the Finance Minister may immediately tax it. Surely the proper policy should be to foster such an important new industry as this. I do assure the Hon. Prime Minister from my own observations in connexion with this industry that this taxation may go some way to destroy the industry in British India, that is to say, the Madras Presidency, by driving it more and more into Travancore where it is already a slightly larger industry than it is in British India.

" The British India roaster and exporter of cashew is entirely confined to South Kanara, i.e., Mangalore and to Cocanada. Cocanada exports appreciably less than Mangalore, but it is steadily growing and I may inform the House that during the last year while Mangalore, I estimate, used about 14,000 tons of raw cashew, I estimate Cocanada used about 5,000 tons. That shows the proportions as regards the two places. To come now to my point about the danger of driving this trade into Travancore if you subject it to special discriminating taxation of this kind. Now if you will permit me to quote a few figures, in the year 1937–38—you must accept my estimate as a fairly close one, because no satisfactory figures are supplied by the Government of India—I estimate that British India produced and it was all consumed, approximately 17,000 tons of raw cashew-nuts and during the same period Travancore used almost exactly the same amount of 17,000 tons, while in 1938–39, i.e., this year which we are just concluding, whereas British India produced and consumed approximately 19,500 tons of cashew-nuts, Travancore produced and consumed about 20,500 tons. Thus you will see that Travancore has slightly overtaken us. What I want to impress upon the Prime Minister is that the dividing line between Travancore and British India in the market for raw cashew is a very narrow one indeed; and the tendency during the past year or two is for Travancore buyers of raw cashew to gradually spread their tentacles more and more towards the north and they have got beyond the confines of Travancore and Cochin

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States and are now entering such markets as Trichur and Palghat which are between Travancore and Mangalore. If the tax is imposed several times over on the industry in British India it must inevitably mean that Travancore will gradually extend its tentacles further and further and the roasters in Mangalore will find that their supply of cashewnuts will be steadily lost, because more and more will be going down to Quilon and Travancore roasters. Now, the Prime Minister will probably reply to me that his resources are not exhausted and that he will certainly be able to tax the Travancore buyers of cashews within our area. That I think would be easily got over. Trichur is a convenient centre, where the bulk of the cashews produced will find their way without a sale of any kind and where they could be sold to the roasters in Quilon who would take them down to Travancore; this will be cashews sold in the first round in Trichur and Roasters in Cochin State and in Travancore will be able to congratulate themselves on having escaped the taxation imposed by the Hon. the Premier. As regards the quantity which these Travancore purchasers are getting from British India, here again I must ask the Hon. the Premier to accept my own estimate; we estimate that in 1937–38 Travancore took from British India 900 tons of raw cashew-nuts and in 1938–39 they took 2,000 tons. Roasters in British India will be losing still more of this trade under the conditions which I have already described. The Hon. Premier may have the idea that many Roasters are making large profits. I can assure him that this is far from being the case. The largest exporters in Travancore is a public company and,—I have seen their balance sheets—they have not made very extensive profits on cashew-nuts. Their results are open to the public and to the Hon. the Prime Minister and I think that it will give him a fair idea of what people can expect to make out of roasting and exporting cashew-nuts.

" Again, I think, possibly in having put these cashews in clause 4, the Prime Minister may have had in his mind that many roasters will buy direct from the growers and therefore if the buyers are not taxed, then the growers will not pay this tax as it would amount to an agricultural product and that nothing would come to the revenue of the Government. Now, I can assure the Hon. Premier that that is not the case. I know of no roaster who buys direct from the grower. All roasters buy in large quantities from fairly big merchants. The position is that the small merchant buys from the growers in small quantities and they sell to larger men who sell to the roasters. Every single merchant selling like that has a turnover of considerably more than 20,000 rupees. Consequently there is no loophole for the escape of this raw material from taxation. Under the General Sales Tax it would be taxed at least twice before it

reaches the roaster. I gather from the Hon. the Premier that he has no desire to see anything in the nature of a double taxation. I understood him to give that as his intention when the question of groundnuts came up just now. Yet if the last party before the roaster is going to have a transaction with a roaster and you are going to tax the roaster as buyer, then am I to understand that the previous party will not have to pay anything in the shape of a tax? On the other hand, if he is also going to be taxed, then surely there is double taxation on cashew-nuts, and so on it goes down probably to all the persons involved. It seems to me that you get exactly the same result as in other produce and therefore, I cannot see why the roaster who has put an enormous amount of capital and energy in this business which is distributing very large sums of money about the country should be seized upon for this particular form of taxation. As I say there is nothing easier than for factories to move from Mangalore or Calicut or from anywhere they may be situated at present, into Travancore. I do not say that they could immediately move; but it would be perfectly easy for them to do so. What I will say is and I say it with complete confidence, that if this taxation is definitely enforced, as I have already remarked, many new factories will go to the States. I know of a particular firm which may be opening two more factories straightaway and I am constrained to say that if this industry is subjected to this taxation, it will inevitably mean that these additional factories will not be put down in British India but will be put down either in Cochin or Travancore State. It s all a matter of business, for the States provide exactly the same conditions, the same material has to be exported, and if the manufacturer is going to receive all the consideration, which I gather is promised in a certain State, then it seems to me that inevitably he will put up any further factories in Travancore rather than in British India. I hope I have said enough, Sir, to convince the Hon. the Premier and to have given cause to pause in this particular matter, because I can assure him it is a very important question that has to be tackled and I hope my amendment will be accepted. If the Hon. the Premier cannot see his way to delete cashew from rule 4 (2) (c) then I hope I have said enough to convince him that this is one of the most important articles manufactured and produced in this country and therefore there is a legitimate case for its inclusion in the notification which has already been issued under clause 7; and I hope he will add this item under that clause."

Mr. G. E. Walker seconded the amendment.

MR. SPEAKER:—"Does any one on the Opposition side wish to speak?" (No one rose to speak.)

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* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, the hon. Member who moved the amendment has put the case very strongly and very fully. I see from what he has said that he has understood the policy behind this proposal quite correctly. There are certain articles which form more the subject-matter of export than substantially internal consumption. Where articles form the subject-matter of internal consumption, they come in under the General Sales Tax scheme for taxation at points wherever they are sold off unless they go below the minimum that has been prescribed. With regard to those articles, that have been put down here in this rule, the policy is based upon the fact that they are generally exported and would not be able to be got at even one point for taxation, if the buyer is not to be taxed and if the sellers fall below the minimum prescribed for the General Sales Tax to be levied from them. This reason he has correctly understood. He says that there will be points for taxation apart from the buyer who buys for the purpose of export. He urges also that if we levy this tax on the buyer, the trade will go off outside the Province or will injure the business itself

"I submit to him; Sir, these few facts. We have included groundnut and roughly we find the value of the export is something like Rs. 880 lakhs. We have included leaf tobacco, the value of export of leaf tobacco being something like Rs. 190 lakhs. Now, as regards cashew-nuts, the figures for 1937–38 show Rs. 120 lakhs. I do not know whether it is quite correct, but that is the figure furnished to us. It is not a negligible stuff. It is certainly an important thing to be taken into account. If, as a matter of fact, the growers escape taxation and the small sellers escape taxation and the buyer is not taxed at the point of export, it will mean that this article goes altogether untaxed. If, as a matter of fact, this scheme of taxation on the buyer is going to injure the business, you will see the result the next year and I submit that the Government will not be impervious to such a fact and I may assure Mr. Langley that it does not really need much to persuade me if the reason is made clear. I would ask Mr. Langley for patience for this experiment of taxation on the buyer basis and to press his arguments with a few more facts later on. As regards his proposal that this may be brought in under manufactured articles for the fifty per cent of rebate of taxation, we may consider it later; but there too I may mention that we may wait for a little time before we include a mere agricultural produce like this into the scheme of manufactured articles. It is not excluded, altogether by law, but we may have to consider twice before excluding an article of this kind, for it will lead to difficulties in respect of other articles. I press for patience for this experiment even as Mr. Langley has

pressed for patience on my part. I would like to have a little more experience before doing anything. I would therefore ask him not to press for the deletion of cashews for the moment and to wait for experience in regard to this matter."

* MR. W. K. M. LANGLEY :—" Sir, for political reasons, I wish to press this particular amendment. I was surprised that when you asked whether anybody wanted to speak, nobody replied. There must be a number of members in this House who come from South Kanara and I hope they will have to go and face their constituents and explain why they voted against this amendment. I, therefore, for that reason wish to press the amendment. But, as far as the particular figures mentioned by the Premier are concerned, I think. I have a right to reply . . ."

MR. SPEAKER :—" You have no right, but I permit you."

*** MR. W. K. M. LANGLEY :—" I think he has got his figures** of export slightly incorrect. I think he must have included some items which the Government of India do not collect, that is, the figures from the Native States. I think he will find that **the figure is not anything like Rs. 120 lakhs; if so, I think he** will find that he has included a large quantity of exports from the Port of British Cochin. There again we have the case of the Travancore exporter scoring over the British India exporter. He is able to use the Cochin Port and he will be able to ship his cashews in the same steamer as exporters from Mangalore and other places will be shipping their cashews. They will be subject to this tax and the Travancore exporter shipping on the same ship will not be subject to this tax. That, I maintain, is an anomalous and impossible situation."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR :—" Coming from South Kanara I wanted to support this motion, that is the amendment of Mr. Langley and to support it very strongly too. I even suggested to the Hon. Premier that I wanted to support this motion. But as I understood from his attitude that he is going to yield, and especially because Mr. Langley had exhausted all the points—and he has very ably argued the case—I did not then intervene in the debate. I think it is not necessary to waste the time of the House any longer, especially as the Hon. Premier is half inclined to accept the amendment of the hon. Member. So . . ."

MR. SPEAKER :—" You want Mr. Langley to withdraw? " (Laughter.)

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR :—" No, Sir, I want to support his amendment. The Prime

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Minister is half inclined and he has promised to consider it also, but I fear that when the time comes for consideration, the hon. Member, Mr. Langley, may not be in this House as he intends to retire and I do not know if we will find another man to espouse the cause so strongly as he has done. But having got some experience from him we may see what can be done."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" The hon. Member should not be merely stubborn without reason. I do want time to consider it. I do not wish to remove it at present. I press it on Mr. Schamnad to be generally much more reasonable as he has shown himself to-day. If he believes that I will take a reasonable view of it after a year's experience he will not take it amiss if I ask him not to press his amendment. But if he wants that it should be put to vote, I have nothing to say."

MR. W. K. M. LANGLEY:—" In the circumstances I shall withdraw my amendment."

The amendment was, by leave of the House, withdrawn. 5-1 p.m

Rule 5 (1) (i).

* MR. G. H. HODGSON:—" Sir, I move the amendment standing in my name which runs thus:—

'*After the word "salt" in the first and third lines,* insert *the words " sugar and matches".*'

" The object of this amendment, Sir, is to avoid paying a tax on a duty in respect of these two articles. During the debate in the consideration stage of this Bill, the Hon. the Premier replying to one of my amendments, spoke as follows: ' If manufacturers paid any duty to this Government on commodities they manufacture I shall at once jump at the proposition and save them from this half per cent.' I asked the Hon. the Premier if he would then exempt sugar which pays excise duty of Rs. 40 per ton to the Central Government. I was informed that that could not be done. Now in these rules the Hon. the Premier has to some extent relented and has included salt under this rule, the excise duty on which goes to the Central Government. To carry this to its logical conclusion, the other two articles which are manufactured articles liable to Central excise should also be included. Therefore sugar and matches should be placed on exactly the same footing as salt. Later in the speech to which I referred, the Hon. the Premier said ' we do not exempt articles such as salt for instance on which practically hundred per cent, if not more, tax has been levied by the Central Government.' In the case of matches the Central excise is over 150 per cent of the price of the matches and for cottage industry matches something like 200 per cent. Sugar does not pay quite so high an excise. But I would remind the Hon. the Premier that part of the sugar

excise does come back to this Government. Now I do not propose to rely on the incidence of this tax because I feel that if I say that the tax is heavy, Government, who I know want all the money they can get, will tell me that they must have this money and if I say that this tax is light, Government will say that I need not bother myself about it. I rely on the fact that it does seem to me to be unjust to levy a tax on a duty, and at the same stage. The Hon. the Premier stated in the debate to which I have referred, 'we are going to levy a tax on customs duties, why not on excise?' Government may certainly levy the tax on customs duties. I admit that. It is also quite correct for them to levy the tax on excise after the goods have left the manufacturer. But I do suggest that it is not just to levy this sales tax on a Central excise in the hands of the manufacturer. I hope therefore the Hon. the Premier will accept this amendment, and put these three excisable products on exactly the same basis."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—" The arguments and reasons put forward are fairly clear. That is to say, that if we relent in the case of salt we ought to relent in the case of sugar and matches also. The previous attitude was not to exempt any article and all these articles stand on the same footing. But now that salt has been treated with consideration, the same thing should be done in the case of sugar and matches. I am prepared, Sir, to admit this that if the duty is very high, they do stand on the same footing. In regard to salt and sugar the position is not that. I would like to be corrected if it is not so by Mr. Hodgson. I would like to know if I am right in thinking that the duty on salt compares with the actual cost of production of salt in a manner quite different from the duty on sugar with reference to the cost of production of sugar. Am I right? (Mr G. H. Hodgson: 'Yes, Sir. I admitted that in my speech.') If that is so, I submit. Sir, that the cases of salt and sugar differ very greatly. As regards some kind of tax being levied also on these articles, it is perhaps incidental in the case of many articles with reference to customs and excise and so on. Probably matches may stand on a different footing. But I should like to examine it later on. Sir. The main point is sugar and I should like to make it quite clear that salt and sugar are not on the same footing. But at present the rules may be allowed to stand as they are."

* MR. G. H. HODGSON:—" I should like the Prime Minister to agree to consider sugar as well. There are very small factories trying to work up the sugar business. Even with the comparative high prices ruling to-day, they are finding it difficult to keep going. I should like all the three commodities to be considered."

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* THE HON. SRI C. RAJAGOPALACHARIAR:—" The residuary right, if I may say so, or the duty is always there. I certainly look upon the position of salt as different from sugar. There is a clear difference between a case where the article is subjected to five times its own real duty and an article which is subjected to a fluctuating cost of production. All things will be considered. If in view of the position of sugar in this Province it requires consideration it will be considered. But not on this."

MR. G. H. HODGSON:—" I withdraw the amendment."

The amendment was, by leave of the House, withdrawn.

M. AHMED BATCHA SAHIB BAHADUR:—" Before rule 5 (1) (*i*), rule 5 (1) (*g*) should have been disposed off."

MR. SPEAKER:—" I shall take it up later. Because there was so much discussion on rule 5 (1) (*i*), I shall finish that item and take up the other items."

* SRI T. T. KRISHNAMACHARIAR:—" Sir, I move—

' *In line* 1, delete *the words* " *by the manufacturer thereof* " *and* add *to line* 3 " *whether by the manufacturer or by the wholesale merchant on whomsoever the liability to pay the duty to the Central Government is cast* ".'

" Sir, when the General Sales Tax Act was passed, it was represented to Government by the salt merchants that they should be relieved of having to pay tax as they pay an excise duty to Central Government. At that time it was not considered possible. The gratitude of the people engaged in trade is certainly due to Government and the Premier, for having exercised that concession. I am told it is a little difficult. It does not cover all cases. It is quite possible those people that were responsible for making rules were not aware of this. In some cases the duty is levied prior to wholesale merchants taking delivery of the goods from the manufacturer. Sometimes the manufacturer pays. So it would stand to reason if my amendment is accepted and relief is given to whomsoever that pays the duty. It is not a very great trouble. I do not think it wants a clearer explanation. You are definitely giving the concession. If you recognize that equity demands it in reference to a certain class of people merely because of the variation of the type of business and manner of purchase, you can accept my amendment. This amendment would cover merchants and manufacturers. It is only the man who pays duty that would claim it. I therefore commend this amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I have given the same amendment. So I second the amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I take it that Mr. Krishnamachariar moves that particular amendment

about salt. I have given notice of a recast rule in that respect. It carries out the same object. The amendment reads like this:

'For *clause (i)*, substitute *the following*:—

"(i) *in the case of sales of salt by the dealer who has paid to the Central Government the duty on the salt so sold, the duty paid by such dealer in respect of such salt.*" '

" That would cover the case."

The amendment of Mr. Krishnamachariar was, by leave of the House, withdrawn.

-30 .m. The Hon. the Premier's amendment was put and carried.

Rule 5 (1) (*j*).

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I move—

' Add *after rule* (5) (1) (*i*) *a new sub-rule* (*j*) *as follows*:—

" *All other discounts, commissions, rebates on account of insurance freight, value of containers returned or such other items which reduce the actual price realized by the seller* ".'

" Sir, after the passing of the Act, the Government have investigated the question further as regards the various reductions that the Government have to give before a turnover is determined. I am thankful to them for this. They have investigated the question thoroughly and, in the various sub-clauses, I find they have tried to give reductions. But, I feel that in order to be on the safe side, it is better to include item (*j*) so as to take note of discounts, commissions, etc., with a view to get at the actual price realized by the seller. After all, what is the object of the sales tax? It is only a tax on turnover. Hence to get at the real value of the article sold, we have to give deductions from the sale price for commissions, discounts, and so on. These are some of the things left out in the items mentioned in the rules. I do not think there will be any difficulty in the Government accepting this amendment. My amendment only seeks to give effect to the principle already accepted by the Government. Rebates and things of that kind do not add to the value received by the seller. I do not therefore think that I need say much in support of this amendment."

* SRI T. T. KRISHNAMACHARIAR:—" I second the amendment. In doing so, I have to state that I have given notice of two amendments which are almost like the amendment under discussion, but are a little more explicit. I would try to separate the issues, because the order of importance may vary.

" The Hon. the Premier mentioned another matter when speaking on the previous amendment. Sir, in some cases the prices include freight, insurance cost and so on and the person who quotes those prices pays the freight and pays the insurance apart from

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the cost of the article. The freights go to somebody else and, conversely, in cases of ex-godown or free-on-board. The mere fact that a man quotes an all-inclusive price f.o.r. is nothing but a custom intended to make it easy for the buyer to calculate the price. This should not make him pay the tax on the amount of insurance paid.

" Sir, then as regards rebates, these are granted for various purposes and adjusted only at the end of the year. Purchase is sometimes done by way of credit notes and sometimes done for cash. Anyway, the manufacturer gets only the net cost. The rebates are paid off.

" The third matter, even more important than these two, is the question of returned goods. A provision has been made in the rules that if goods are returned and credit given, they must be deducted from the turnover. In some cases only a portion of the goods is returned and, in the case of oils, the barrel or the container, is also returned. In the process of trade these containers go forward and back. When it comes to the buyer he is charged in the invoice and when it goes back he is given credit for it. The things vary in their order of importance. Some people use these for the purpose of convenience and some use them for inducing people to buy more. It is like returned goods. We have got three issues clubbed together. Though in business practice all the three of them are useful, they vary in importance. I should not insist on moving my amendment if this is accepted or rejected unless it be that the Government indicate that a particular portion is more acceptable to them than the rest. I therefore second the amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" I do not want to raise any technical objection though I should not take it to be a precedent that in the matter of the rules before the House substantive and new rules can be proposed by way of amendments. I do not raise that point now. In this case it may be quite reasonable, but it may be unreasonable in another case. On the merits of the amendment, I would submit this to the hon. Member who has moved the amendment. It is not really a question of justification. The tax is levied on articles sold. There are countries where the tax is levied on goods sold. We do not levy a tax on service rendered. The services are excluded except where in the case of cloth it is stitched and dyed. It then becomes part of the article. Some people find it convenient and helpful to the spread of their business, and to secure customers far and distant, to give quotations f.o.r. or c.i.f. To that extent they have an advantage over the smaller dealers who cannot in that manner deal with their customers and have necessarily to quote separately. To that extent, I submit, the tax on the bigger dealer in the case

of freight charges will be justifiable, because he has a bigger business and gets an advantage by the f.o.r. system and he must pay the tax.

" But the real reason why I am not accepting the amendment is that it is very difficult to analyse the accounts administratively and tax just the thing necessary. It is a matter very difficult to arrange for. In some cases freight charges are different for different customers. In such cases we will have to take the total expenditure of the firm in regard to that matter. All this would require an inquisitorial examination of the accounts. There is therefore great administrative difficulty involved in accepting this amendment. It would apply only to a few dealers and not to all. Even as a matter of practice now, many dealers do not find it possible to quote f.o.r. or c.i.f. If it is known that we do not accept this amendment and that freight charges will all be included in the calculation of the turnover, trade will adjust itself and, as I said, administratively it will be very convenient. That is the reason why I am opposing this amendment and not because there is no justification for the amendment.

" As regards the value of containers and things like that, it will come under the head 'returned articles.' The value of articles returned is provided for in the rules. We do allow for articles returned. The containers when they are returned will be allowed for even as the rules now stand. For that, therefore, no amendment is needed. The new sub-rule (*k*) as proposed by the hon. Member says: 'The value of containers which are returnable, to be claimed during the year . . .' That would lead to complications. If as a matter of fact they are returned, the accounts will show that and allowance will be made. My hon. Friend, Mr. Hameed Khan's amendment is more general. It says: 'All other discounts, commissions, rebates on account of insurance freight, value of containers returned or such other items which reduce the actual price realized by the seller.' There is no limit up to which we may go. If we accept that principle we must exclude all kinds of articles. It will finally come to an income-tax only and not a tax on the turnover. We have definitely fixed the quantum and the whole thing should go into the calculation. That is all I wish to say in respect of the wide amendment which Mr. Hameed Khan has proposed. Ultimately the thing will reduce itself to this, that a very elaborate investigation will have to be made. It is wholly opposed to the principle we have followed. I cannot therefore accept the amendment proposed by Mr. Hameed Khan. As regards Mr. Krishnamachariar's amendment, I have stated that the second part of his amendment would really be provided for in the rule as it stands and (*j*) is not convenient administratively to accept."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—" Sir, I believe the Government are objecting principally on the ground that it will amount to income-tax and not a tax on the turnover. I do think that the Hon. the Premier will consider the fact that even in cases of exemptions of Rs. 10,000, they are calculating on the basis of net and not gross turnover. If the same principle is applied so far as turnover is concerned, it may be net turnover instead of gross turnover."

*THE HON. SRI C. RAJAGOPALACHARIAR:—" Turnover is very convenient. It is very difficult to get at the meaning of rebates, commissions, etc. The actual price realized by the seller will be very difficult to arrive at. It would mean an enormous amount of enquiry and difficulty and there will be no end to it."

The amendment was, by leave of the House, withdrawn.

Rule 5 (1) (*g*).

* M. AHMAD BATCHA SAHIB BAHADUR:—" Sir, I move—

'*After the word " skins " in the first line* insert *the words " or their by-products ".*'

" I am to draw the attention of Government to section 6 of the Act which provides for taxation on skins and hides at one point only. And in fixing this point of taxation, Sir, the rule is made clear, rule 16, as to where that taxation should be, that is, at the stage at which raw material is collected by the tanner and also at the stage where the raw material would be exported. And if the taxation is to be at the point where the raw material is collected by the tanner, it is not clear, although rule 5 states that the skins and hides are exempt as to what is to become of the by-products that result out of the process of tanning. Of course it can be argued that as the point of taxation has been specified, no other material relating to the skins and hides comes under taxation; but it is still likely that some taxing officers might take a different view of the question and say that this constitutes a sale by a tanner of a different product altogether and should therefore be taxed. It is my idea just to bring this possible confusion to the notice of the Government, so that it might be cleared up at this stage and we may not have any complications hereafter which will lead to a misunderstanding between the taxing authorities and the tanner.

" One of the important by-products of the tanner is wool, the next to that is goat hair and the third is what is known as the hides fleshings. The fleshings of the hides are dried and sold largely to foreign countries. It is used as what is called as gluestock for the manufacture of what we call glue and it is purchased in very large quantities by America and Germany. Africa is one of the biggest rivals we have got and most of the price that is realised by the

tanner here is being consumed by the extraordinary freight that has to be paid on that commodity. It is valueless in itself here, and formerly if it is not to be exported it should be used entirely for agricultural purposes. But after drying it, enormous quantities are taken in order to make up a particular ton and the freight paid on it is very much more and out of proportion to the original cost of the by-product itself. My submission to you, Sir, is that all these are not independent commodities to be dealt with but those that result out of the process of manufacture wherein the hair is removed, the wool is removed and the fleshings are removed. They are dried up by the tanner and then sold for whatever purposes they may be used. Therefore, I submit that as the tanning industry has to pay a tax at a particular point, viz., the raw materials, taxation should finish with it; there should not be any more taxation later on. I submit that the by-products resulting from that also at a later stage would not come under taxation. The Hon. the Prime Minister may or may not agree with me. But I have got a strict mandate from my own association (Hear, hear), and I am here to press the case before Government. And in doing so, it is my duty, Sir, to point out that when I pay a tax on the raw material, on the skins or hides, as it is, I have paid my tax on everything inclusive of the tax on hides fleshings as well. And it will not be right on the part of the Government to ask me to pay a further taxation after it has been subjected to a process of manufacture, as in all processes of manufacture such by-products must result. I would rather put it in this other way, that all such by-products would be claimed by me as reductions of my cost. Although I might sell a particular by-product in a tanning or a manufacturing process such as wool or hair as an independent article which is realized by the tanner, I would certainly put it not as an actual bona fide sale but as a sale going towards the reduction of my cost. From this point of view, Sir, I beg to submit that this amendment may have a favourable consideration at the hands of the Government."

Abdul Hameed Khan Sahib Bahadur seconded the amendment.

* THE HON. SRI C. RAJAGOPALACHARIAR :—" I can only say, Sir, that I am somewhat surprised at the appetite of Mr. Ahmad Batcha Sahib (Laughter). He has been given, I mean the cause which he represents, most favourable treatment in the whole of this scheme of taxation. He has been given one point tax and that one point on the basis of cost of purchase which is less than the amount realized by sale so that he has really secured advantages for him in two ways. He has got only one point instead of many points; he has got the basis of the purchase price instead of the selling price. Now he wants another subtraction. He suggests

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that all the valuable by-products which he exploits out of the raw material, which really he does not give back, as he ought to, to the original seller of the skin and which he sells as his own property should not be taxed. I should say on behalf of the gentlemen who give him the skins that all these by-products should be returned to the man who sold this skin; but custom has brought it to this, that the man does not think very much about it but the purchaser makes much use of it. A day will come when these by-products probably may be even more valuable than the skin itself. Because science is wonderful, it makes much more out of the small things than out of the main article very often. Let us take the simple thing for which Mr. Hodgson pleaded. Arrack is a small by-product of sugar, and peppermints are by-products of sugar. All these things are not neglected. Glucose is not neglected. I submit, therefore, there is really no reason and Mr. Ahmad Batcha Sahib should have convinced his constituency that this is not a reasonable claim, instead of saying 'I have a mandate and I move it.' I request him to withdraw his amendment, Sir."

* M. AHMAD BATCHA SAHIB BAHADUR:—"I will submit one more point. It is not the point that I do not realize the concession that has been shown to this trade."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I withdraw those things, Sir. I am under the feeling that I might have given concessions."

* M. AHMAD BATCHA SAHIB BAHADUR:—"We are perfectly grateful to the Government for what has been done but it is my duty at the same time to point out a practical difficulty in the application of the taxation. If the officers are to approach the tanner for taxation purposes, is he to be taxed twice over in respect of one and the same taxation? That is what it comes to. Because when he pays it on the raw hides and skins, it is finished with him. It is his property and he is free, absolutely free, to deal with it in any manner he likes. I do not like the Hon. Prime Minister mixing me up with my original vendor of these skins and hides, because once I have paid him his consideration, the transaction is over. It is my absolute property and I get it into my hands as free from any further taxation. If that is done, Sir, if I pay a tax, I am paying it in all capacities, as a purchaser of raw skins, then as a seller of those tanned skins. Am I the same individual to be taxed as purchaser and as seller? It is this difficulty; in respect of this if the Government see there is ample justification for them to tax, I do not stand in the way. I have made the distinction here. Certainly I will place this amendment with very great earnestness because it will bring out these inequalities before the House."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I want to tell, Sir, Mr. Ahmed Batcha this. If we had taxed skins like other articles you would have had normally several multiple incidence taxation on the sale basis. There are reasons of public policy which lead to this single incidence on this article. But whether it should be on the sale basis or the purchase basis was, I submit, not a consideration of policy but concession. There is a large difference between the sale basis and the purchase basis. The extras, the by-products, their sale transactions, make the difference. It is a different transaction and not the original article at all. I do not think that he can demand that the principle of no taxation over again should be applied to these articles. In that way it is very difficult to trace the by-products and products of the raw material. They go through a very long change and it will be very difficult to treat them as one. For instance, if a man buys flour, he makes bread out of it and sells it; the bread man makes toast. It is not as if the man who sells the toast is asked to go back to the flour dealer and put the two turnovers together and single taxation principle is applied. Here it is a distinct product from the tanner's and it is sold as such. He himself gave us a rough account to show that it is a very important thing, a substantial thing, that it has a great demand in America and so on. He says it is a substantial thing. And the Government do not claim the article; they only claim a percentage by way of taxation (Laughter). So, I do hope that he will withdraw it, because I submit that it will enable me to say that we have not given too many concessions for one particular trade."

* M. AHMAD BATCHA SAHIB BAHADUR:—" Of course if the Government make a statement to the effect that the tanner has to be taxed as the seller of these by-products, I withdraw it."

The amendment was, by leave of the House, withdrawn.

Rule 5 (1) (*c*).

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I move, Sir—

'*Clause* (*c*) *of rule* 5 (1) *may run as follows*:—

" (*c*) *all amounts for which the dealer sells articles which are not in his stock but which are obtained by him from another dealer specially to accommodate a particular customer and are immediately sold to such customer provided that the sale is entered in the accounts then and there as an accommodation sale together with the name of the dealer from whom the articles were obtained.*" '

The reason for this substitution is this that there is a kind of trouble with words. The original intention was not carried out that the man who is to be taxed should be the one and not the other if there is an accommodation. The present rule as I have

put it gives effect to the policy of the Government in that matter and it is in accordance with some of the objections and amendments proposed by some of the Members."

The amendment was put and carried.

Rule 5 (2).

* MR. H. S. TOWN :—" I move that— 6 P.M.

'*After the words " places of business " in the second line,* insert *the words " within the Province ";*

After the word " business " in the eighth line, insert *the words " within the Province."* '

" Sir, this is a unique amendment among the amendments that are being moved for it asks for nothing that is not in the Act itself. I now merely wish that the rule should be clarified in accordance with the Act. Sir, I move my amendment."

MR. G. E. WALKER :—" I second it."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" I was thinking what the effect of the amendments, if accepted, would be. It is quite true that the tax that we could levy under the Act can be levied on sales made within the Province. There is no doubt about that. But by inserting the words ' in the Province ' here and there, in one clause or in one rule and by omitting it in other places, we will give rise to important legal ambiguity. It should be assumed that the operation of the Act is within the Province, and it should not be made ambiguous by the insertion of those words that this Act had anything to do with the business done in other places and outside the Province. I do not think it is necessary at all that we should include those words in this rule. With this explanation I would ask Mr. Town not to press the amendment which would lead to ambiguity."

* MR. H. S. TOWN :—" If I can have the assurance that we shall not have to pay on turnover or sales made in respect of business carried on outside this Province, I am willing to withdraw the amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" Unless the office doing business here includes it in its turnover . . ."

* MR. H. S. TOWN :—" I do not quite understand the Hon. Premier."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" Supposing a head office in Madras runs a branch in Hyderabad or Calcutta and enters in the account there the transactions that take place there without bringing them over here, then such transactions should not be treated as transactions within this Province for the purpose of this tax. If they are not local sales, they are to be entirely kept out of the turnover."

SRI T. T. KRISHNAMACHARIAR:—" I would like the Hon. Minister to repeat it because it is not clear to me. . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" The position is this: it is not a question on the merits. I think what I was saying will be made clear if I explain my reasons. Sir, this is not a concession. It is not a matter which could be considered on its merits. It is not as if that the sales made outside this Province are entitled to this concession. I can say that this Government is not entitled under the constitution to levy taxes on sales effected outside the Province. In each case it will come to this: whether the sale is within the Province or outside the Province; it will be a matter of legal interpretation. It is quite open to businessmen to avoid this as much as possible and yet it cannot be called evasion. They may find some customers, some dealers and may have some dubious transactions with them or allow such transactions to go on in some of their branches. Well, they are not transactions outside the Province, but within the Province. The mere entry in the books should not be the final word in the matter. Now if we introduce those words as indicated in the amendment, it would mean, that apart from the right that we have under the constitution, viz., of finding out whether the sale has taken place within the Province or outside the Province, we could not examine the transactions from any other point of view. So the words ' in the Province ' should not be inserted because it will lead to ambiguity. The only thing is that the transaction should really legally be a transaction outside the Province. That is the position."

SRI T. T. KRISHNAMACHARIAR:—" It is rather embarrassing if I am to intervene in this debate at this stage. . ."

MR. SPEAKER:—" It is a very important matter on which discussion is going on. You may mention your difficulties. . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Would it not be better if Mr. Town explains? "

* MR. H. S. TOWN:—" If I am to have the assurance that genuine sales made in the branches outside the Province will not be taxed, I am prepared to withdraw my amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" That assurance I give."

The amndment was, by leave of the House, withdrawn.

Rule 6 (1).

* MR. G. E. WALKER:—" I beg to move the amendment standing in my name which reads as follows:—

' Omit *the words* " *Save as provided in sub-rule* (3)." '

" Sir ,these words appear to be, if I may use a classical expression, ' redundant.' I have nothing further to say on the merits.

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I have no doubt that the Hon. the Premier will be able to accept the amendment and will agree to remove these meaningless words. Perhaps if a little more care had been exercised by the Government when drafting these rules, it would not have been necessary to move this amendment, particularly from this side of the House! "

MR. SPEAKER:—" I suppose the amendment is accepted by the Government."

THE HON. SRI C. RAJAGOPALACHARIAR:—" I accept the amendment."

The amendment was put and carried.

Rule 11 (1).

* MR. H. S. TOWN:—" I move that—

'Substitute *for the word " May " in the third line the word " July."* '

" Sir, large firms with many branches and agents, buying and selling from day to day, find it difficult to get their accounts ready at the end of the period very quickly. They will have to get their accounts from their agents and other people. This is particularly so in such firms as are doing business in job engineering work, motor car repair work who have to purchase small items which they pass on to their customers. They cannot get bills for purchases submitted to them in the time allowed and therefore they cannot arrive at a figure for their sales. I submit that the amount of time allowed is insufficient. Government will lose nothing in their financial year by extending the date of collection of their taxes by a very short time. I submit this will not cause hardship to the Government but will be of great benefit to the tax-payer."

MR. G. E. WALKER:—" I second it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I do not know if the mover and seconder of the amendment realize the necessity for the fixing of the month as May. They must realize that these returns are to be the basis of assessment for the next year, that is, to say, a provisional basis for the next year also. If, for instance, the monthly collections are made as in the case of big business and if the return is not sent by May, but in July, we will not be in a position to know what should be the basis of collection for May, June and July of next year. That is the reason why the Government presses for May. In view of this fact, I hope the hon. Member will allow the rule to stand as it is."

MR. H. S. TOWN:—"We would very much like that this rule should be applied in all cases but provided we can feel sure that in genuine cases there will be no harassment, we would be prepared to withdraw the amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It may be taken for granted that there would be no penalization."

The amendment was, by leave of the House, withdrawn.

Rule 13 (2).

* MR. D. M. REID:—"I beg to move the amendment standing in my name which runs as follows:—

> 'Substitute *for the figures and letters* "20th" *in the second and third lines, the word* "last".'

"Sir, my reasons are very similar to those of the previous amendment moved by Mr. Town. To get the accounts correctly prepared by the 20th of each month will be very difficult indeed. In particular I would respectfully draw the attention of the Hon. the Premier to the following classes of people as a sequence or channel of business: retailers, sub-dealers, dealers, branch office and head office. It will be very difficult if it is stipulated that all the accounts successively in the cases of these various people have got to be in the hands of the Government by the 20th of each month. There may be consignment stocks and they may very likely be in the hands of all the dealers and they will have to go through the channel of five hands all of whom have to send in accounts of these consignment stocks. It would be difficult to get these accounts sent by the 20th of the month, particularly as shown by Mr. Town in the cases of job engineering works, motor repair works and many smaller enterprises. If the Government would accept the last day of the month as the date within which they should submit their returns, it would be much more convenient. The Government are quite safe as the remittance, cheque,
·15 or draft has to be sent in along with the return. Therefore it
m. would be quite workable if the Government would accept our amendment and fix the last day of the month. Sometimes, Sir, the accounts of the branches have to be referred back on various points, for it is very important that we should be satisfied with their correctness. Unless we are very careful there will be the greatest confusion, particularly in the last month of the year when the whole of the year's accounts have to be got out. Sir, we desire to work the Act properly and we say it would be very difficult to work it with the 20th day of each month. Therefore, as an alternative I move this amendment."

* SRI T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I heartily support the amendment moved by my hon. Friend Mr. Reid, because in practice all that he has said is quite true. A firm has branches in four or five places and it is very difficult

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to get all the accounts in before the 20th of the next month. It may be possible once we get into the groove and expedite matters. Even in regard to cash sales—I am not speaking of credit sales—it often happens that the customer will send a draft on a bank, or he will wait for the receipt of the railway receipt for sending the money, if he is an upcountry customer. These things may take more than twenty days. Therefore the proposed amendment is quite in consonance with business needs and I can speak for it so far as the Indian side of business is concerned. I, therefore, urge upon the Government to accept this extremely modest amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" If businessmen prefer the last day of the month instead of the 20th, the Government have no objection to it."

The amendment was put and carried.

MR. SPEAKER:—" Rule 13 (4)."

SRI T. T. KRISHNAMACHARIAR:—" The other amendments are all consequential."

MR. SPEAKER:—" Then, may I put those amendments to vote without further discussion? "

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Yes, Sir."

MR. SPEAKER:—" The question is that—

'*In rule* 13 (4), *for the figures and letters* " 20*th* " *in the second line, the word* " *last* " *be substituted.*' "

The amendment was put and carried.

MR. SPEAKER:—" The question is that—

'*In rule* 15 (2), *for the figures and letters* " 20*th* " *in the fourth and sixth lines, the word* " *last* " *be substituted.*' "

The amendment was put and carried.

MR. SPEAKER:—" The question is that—

'*In rule* 15 (4), *for the figures and letters* " 20*th* " *in the second line, the word* " *last* " *be substituted.*' "

The amendment was put and carried.

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I want to count all these as amendments accepted by the Government." (Laughter.)

MR. SPEAKER:—" Surely."

Rule 16 (4).

* M. AHMAD BATCHA SAHIB BAHADUR:—" I beg to move—

'*After the word* " *on* " *in the last line,* insert ***the figures*** *and words* " 60 *per cent of* ".'

" Sir, it should not be presumed that I am getting more and more avaricious. I am only pointing out the discrepancy which was brought to the notice of the Hon. the Premier even during the Select Committee stage and which has now crept into the rules here. It is very clearly stated in the previous sections of this rule that hides and skins are to be taxed at a point where they collect from the tanner in the last stage. In the case of tanneries which are situated outside the Province and from which tanned goods are brought into this Province for sale, it is stated that the amounts on which the goods are to be taxed are the amounts for which the goods are sold. That really introduces discrimination between two sets of tanners, our own tanners here and the tanners who are outside our Province. It is not on patriotic grounds or any such thing that I am talking here, but I am bringing to the notice of the Government and asking them whether as a matter of equity in taxation, all the tanners should not be taxed alike. As a matter of fact, if the Government will examine the question, they will find that the tanners in other Provinces and the Indian States particularly are most of them, with the exception of one or two, our own Madras tanners. I cannot understand the same tanner having a tannery in our Province and another tannery in Mysore or Hyderabad paying taxes on two different bases. . ."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" May I be permitted to interrupt for a moment? I am not raising a point of order. Mr. Ahmad Batcha Sahib seems to have changed his attitude altogether. He was asking for this difference and now he seems to have deserted me altogether in this proposal."

* M. AHMAD BATCHA SAHIB BAHADUR :—" It is true that I asked for it, but it was the Hon. Prime Minister who corrected me and pointed out that the Government of India Act itself stood against such a discrimination. I am only asking for this in order that it might be clear for our future guidance as to how our tanners are to be taxed. Otherwise they will raise a hue and cry as to differential taxation in respect of goods brought from outside. In order to put both of them on the same footing, I suggest that goods brought from outside should be taxed on 60 per cent of their sale value which will amount to the raw material value."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR :—" Sir, the hon. the Mover of the amendment was very strong and, if I may say so, very eloquent in pleading for the tanners in this Province. He was saying that once this was done the Government might do whatever they liked with regard to tanners outside and that he would support it. I do not say that he is not entitled to change. . ."

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* M. AHMAD BATCHA SAHIB BAHADUR:—" My strong attitude was not in respect of our tanners at all. I should like to make clear one point. My strong attitude was in connexion with the tanners outside India. That was what I meant and that was my strong attitude. I am still against their carrying away our raw material, planting a tanning industry in Europe and manufacturing goods and sending them over here."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, there was no confusion at all between tanners in Indian States and tanners outside India. We had long sittings. But I do not wish to press this point. The hon. Member is entitled to change his attitude. But I want to take the arguments which he advanced at that time as my own arguments. We will have to protect our tanners here. It is true that I myself pointed out to him that we cannot have discrimination. But what is now done is within the law. It is not the kind of discrimination which is barred under the Act. Neither shall we get out of discrimination by putting in an arbitrary percentage. I claim there is no discrimination in it and there is no legal objection to taxing things brought from outside on a different basis. We cannot any way better our legal position by accepting the 60 per cent basis. I would therefore earnestly ask the hon. Mover of the amendment to withdraw the amendment together with all the reasons that he gave for it also." (Laughter.)

* M. AHMAD BATCHA SAHIB BAHADUR:—" I am quite conscious of the patriotic side of the question that was put to me by the Hon. the Premier even at the earliest stage of the discussion. I do not therefore press the amendment."

MR. SPEAKER:—" Is the hon. Member withdrawing his amendment? "

* M. AHMAD BATCHA SAHIB BAHADUR:—" Yes, Sir."

MR. SPEAKER:—" Along with the reasons for the same? "

* M. AHMAD BATCHA SAHIB BAHADUR:—" Yes, Sir." (Laughter.)

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER:—" We will now take up the forms."

* SRI T. T. KRISHNAMACHARIAR:—" May I move all my amendments together? "

MR. SPEAKER:—" Yes."

Forms A, A-1 and A-3.

* SRI T. T. KRISHNAMACHARIAR:—" Sir, I move—

' Delete *columns* 4 *and* 6 *in Form A, column* 4 *in Form A*-1 *and columns* 4 *and* 6 *in Form A*-3.'

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"Sir, in moving these amendments, I should be very reluctant to find any fault with the set of rules which by itself is a great compliment to the department which has framed it. I am voicing the opinion of the business community when I say that we have nothing to say against the rules as we had something to say against the tax when the Act was on the anvil. The rules are perfect and are entirely in consonance with business practice and very reasonable too. But perhaps the department were not aware of the details in the matter of accounting and so the forms have been made up in a manner not in consonance with the books that we keep. Ordinarily, but for the rare innovation that the rules under section 3 of the Act should be brought before the Legislative Assembly, a matter like this would be often settled across the table with the officer concerned. But since the rules have come here, they have greater force and sanction behind them than the ordinary departmental rules. I am now attempting to show the House what the difficulties are so that the Government may modify the forms or give us an assurance that departmentally they would allow these inconvenient columns to be ignored. What happens is this. There are columns provided for showing the gross turnover, the discount allowed and the net turnover. In the case of merchants who give discounts, the discounts are only stated in the invoice. The books are all sales day-books and in most cases the sales day-books contain the net amount of the invoice. What would happen in a big firm having several departments and several sales day-books is this. The clerk in charge of a particular day-book will at the end of the month total the amounts in his book and give the total turnover according to his book. Then it will be easy for a responsible man in the firm to total all the totals of the different books and compute the tax payable to the Government. If we are asked to separate the discounts from the turnover and give the gross turnover, the discounts and the net turnover we will have to duplicate the whole set of accounts. I think that businessmen here will bear me out when I say this. (Mr. D. M. Reid: 'It is true.') In no firm of reasonable standing do they keep separate accounts of gross turnover and discounts. The whole thing is finished in the invoice when some responsible person signs the invoice. We have the total and we have to deduct the amount of the invoices one by one, which are of a reasonable magnitude in many firms. There may be Rs. 25,000 transaction and Rs. 25,000 invoices. We have to total the amounts, deduct the discount separately and total them up together to get at these particular figures. In the case of bigger firms, it will be even more difficult. I dare say it is not the intention of the Government to impose conditions outside the law, on the firms concerned. If it is not possible to accept the amendment straightaway and if they would like to ascertain the facts from businessmen, if reasonable assurance is given that they

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would not insist on these figures being given. I shall be content. I commend my amendments to the acceptance of the House."

M. AHMAD BATCHA SAHIB BAHADUR:—"I second the amendments."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I agree that Mr. Krishnamachari is perfectly right, when he said that the forms need not be considered as part of the necessary rules to be made under section 3. But yet they have been made and it is desirable that trade should have a picture of the rules together and that is why we have framed them. If, in actual working of the rules, there is considerable inconvenience in supplying the information, I do not think there will be any difficulty for the officers to accept such difficulties. It is also possible for men on this important work not to know trade and its economics. I should like therefore that the forms may remain as they are and the trade may depend upon the good sense of the Government and its officers in dealing with the information given. There is no intention to deal with anything but evasions to give the information that is wanted. If there are actual inconveniences, there will be no religiosity about these forms."

The amendments were, by leave of the House, withdrawn.

MR. SPEAKER:—"The question is—

'that the draft rules, as amended, which it is proposed to make in exercise of the powers conferred by sub-section (2) of section 3 of the Madras General Sales Tax Act, 1939, (Madras Act IX of 1939) be approved.'"

The motion was put and carried.

VI.—NON-OFFICIAL BUSINESS.

(1) THE MADRAS DEVADASIS (PREVENTION OF DEDICATION) BILL (L.A. BILL NO. 22 OF 1938).

* MISS G. AMMANNA RAJA:—"Sir, I beg to move—

'that the Madras Devadasis (Prevention of Dedication) Bill [a] *(L.A. Bill No. 22 of 1938) be referred to a Select Committee consisting of nine Members.'*

"I will give the names of the members of the committee later on.

"The Statement of Objects and Reasons that has been circulated with my Bill is explanatory by itself. But I think there are some people who do not know much about the Devadasi system and I have to explain it further. To put it briefly, Devadasi system means immorality practised in the name of Hindu religion. Originally it meant service of virgin girls to the temples. They

a Published in the *Fort St. George Gazette,* dated 20th December 1938.

undergo a ceremony of dedication to God after which they were expected to lead pure and simple lives so that they may devote their lives in devotional service to God. The fact that the Devadasi system is an evil in the Hindu society, has been recognized even as long ago as 1868 and the agitation for its abolition has been going on ever since. Several private Bills had been introduced in the Central Assembly even as early as 1912 and legislation by means of Penal Code provisions (I.P.C. sections 372 and 373) has been undertaken by the then Government of India and by the Central Assembly of the pre-Montagu–Chelmsford Reform period.

" As the Penal Code failed to achieve the desired end, after the granting of the women's franchise and the entry of women into the Legislature, women began to take an active interest in this reform. On 5th November 1927, the first woman member and the then Deputy President of the Madras Legislative Council moved a resolution as follows:—

> 'This Council recommends to the Government to undertake legislation . . . at a very early date to put a stop to the practice of dedicating young women to Hindu temples which has generally resulted in exposing them to an immoral life.'

which was unanimously adopted by that Council as the direct consequence of which a Bill was introduced by her [Dr. (Mrs.) S. Muthulakshmi Reddi] and passed into law as an amendment to the Hindu Religious Endowments Act.

" The Act of 1929 being merely an amendment to the *Hindu Religious Endowments Act,* is found in actual practice to be limited in its scope and in its application even though the object of the mover was to entirely stop the evil practice, as is indicated in the preamble of the Act itself.

" The reasons are that in the first place the above Act (Madras Act No. V of 1929) *does not apply to all the temples* in the Presidency, *for example the City temples are exempted from the operation of this Act*, and so also some other temples in this Presidency.

" *Secondly,* there are a large number of Devadasis who do not hold any inams and do not render any service in any temple, but still are allowed by the temple authorities to dedicate girls and young women as a matter of custom and hereditary right solely for the purpose of prostitution. These girls begin their trade of prostitution only after going through the ceremony.

" *Thirdly,* the existing law is neither prohibitive nor penal as in Mysore, Cochin, Travancore and Bombay, but is only a permissive legislation and leaves the option of service in the temples to the Devadasis themselves with the result that in only certain temples the Devadasis have freed themselves from the obligation of service and in most others the Act has not been availed of for the reason that in some cases the Devadasis persist to continue their hereditary association with the temples, while in others the

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temple authorities force them to continue and even persecute them if they refuse to serve. On enquiry and investigation we find that this practice is still widely prevalent in this Presidency.

" Not only the inam-holding Devadasis but also other Devadasis dedicate a large number of innocent girls and young women to Hindu temples by going through ' Pottukattu ' or ' Gajje puja ' or similar ceremony in Hindu temples, not with any idea of devotion or service to God, but simply for profiteering by prostitution. Whatever the origin of the practice in ancient days of the dedication of women as Devadasis to Hindu temples, it is unfortunately the case that the practice has now degenerated mainly into a method of initiating young women to a life of immorality and prostitution. Practice of dedication as Devadasis is therefore immaterial. The shastras are against vice and impurity of all kinds, and enlightened public opinion is against tolerating the continuance of a practice which, in the name of service to God, has condemned a certain class of women to a life of immorality. A Hindu woman who is so dedicated is considered by custom incapable of contracting a valid marriage thereafter and what is much worse she is looked on as a prostitute. Therefore it is highly desirable and expedient to prohibit the practice of the dedication of girls to Hindu temples within the precincts of any Hindu temple and legalize the marriage of such girls when contracted after such dedication.

" By amendments to section 372 of the Indian Penal Code, the age-limit for the disposal of minor girls for purpose of prostitution has been raised from 16 to 18 years. But though at the time when this change was effected it was supposed that it would reduce, if not put an end to, the evil of dedication of girls to temples, it has failed to achieve this desired result, because it does not deal with the dedication as a whole. After the girl attains 18 years of age, and in the mufassal even minor girls, they are dedicated even to-day because, the temple authorities, the parent and general public honestly feel that religion sanctions it. A legislative enactment is therefore necessary in this Province for dealing with the practice of dedication of Hindu girls and women.

" In this connexion I may point out that in the adjoining Native States of Mysore, Cochin and Travancore, the Government have prohibited the dedication of girls in the temples.

" Even as long ago as 1912 when this question of putting a stop to this practice was discussed in the Central Assembly, Pandit Madan Mohan Malaviya, has strongly supported this measure in the following terms:—

'I hope that not a man in the country will be able to put forward one single text which will justify a thing which is so irreligious and sinful as the dedication of girls in a position where they must be compelled to lead a life of sin and shame.'

"After the Congress assumed office, in response to an article in the Press on the urgent need for a measure to put down this evil, Gandhiji wrote in the *Harijan* that this reform is much more urgent than even prohibition and has been long overdue and he has appealed to this Government to pass this measure into law without any further delay.

"Therefore, the fulfilment of the reform is now felt once for all to remove a long-standing slur on the Hindu society and a blot on the Hindu temples and Hindu religion. Also this may be said to be a child-saving and soul-saving measure inasmuch as the girls of these backward communities who are to be dedicated are taught at their impressionable age while they are innocent and helpless, by their elders that it is their profession and there is nothing wrong in what they are doing, *kuladharma* and it is no sin or crime. That is the main reason why the Penal Code provisions fixing the age-limit have failed to achieve the object.

"When these older Devadasis who hold such wrong ideas have no children they purchase or take hold of poor children and orphan girls for this purpose. So long as this Devadasi system continues, it is a positive danger to all destitute girls and women to whatever caste or community they may belong. While a certain section of these communities gets reformed, other girls and young women are procured for the purpose and so the system is kept alive.

"All religions and all natural laws and all codes of morality and science condemn prostitution for obvious reasons and we, in Madras, have passed legislation to suppress immoral traffic in women and children and to punish those who live by prostitution of others. Under these circumstances to allow a certain class or community to train either their own children or somebody else's children to a life of prostitution in the name of religion and worship is against all codes of justice and morality and is opposed to our sense of humanity.

"It is a well-known fact that the girls of these communities, when married, become good and loyal wives, affectionate mothers and useful citizens, and therefore the Devadasis are only victims of a custom that is supposed to have been sanctioned by religion. There is a great awakening among the enlightened section of those communities who are rapidly changing their habits. There have been conferences and meetings all over the Presidency organized by the educated members of these communities who have appealed to Government to pass this measure into law.

"There are certain people who say that the existence of this community is acting as a safety valve. It is absurd. I do not know how anybody can keep a section of the people for a purpose

of this sort. It is a shame and a disgrace to anyone who comes to defend this system. A class of people who commit vices themselves are supposed to be guardians of morality for other women. I think it is absurd and I do not think anybody will say that it is a necessary custom. So, I think this long-delayed reform will be supported by all the hon. Members at least now and that it will be passed into law.

"I commend this Bill for the acceptance of the House."

* SRIMATHI A. V. KUTTIMALU AMMA:—"Mr. Speaker, I have great pleasure in seconding this motion. 6 P

"The system of dedication, if it is done in the way that it should be done and practised as such, is not in any way repulsive. On the other hand, the dedication of one's life to the service of God is something divine. But the present system of dedication is such that everybody with any human feelings will be shocked. The young girls are made to believe that they are doing something divine. They are made to lead the life of prostitutes and to believe that they are doing the right thing. They are made to believe that they are doing their duty to their communities and castes by leading such lives. It is high time that such a state of affairs is stopped. I hope the party that is now holding office, the party that can proudly claim Mahatma Gandhi as its supreme head, the personification of purity and truth, will have to its credit the enactment of this long-delayed reform of purifying the lives of many young girls from a life of impurity, and allowing them to lead a life of real service to their community and to their motherland."

MR. SPEAKER:—"Hon. Members may discuss the motion after the amendment is moved."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not wish, Sir, to move the dilatory motion I had given notice of; but I would suggest to the mover and the seconder of this proposition that the Select Committee may be formed, and we may consider the Bill later on at another sitting of the House, so that the public also may have time to digest the matter."

MR. SPEAKER:—"So the names of the Select Committee members may be given now."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I would suggest that this being a movement concerning women, all the Hindu women members of the House do form the Select Committee, with Mr. A. Kaleswara Rao as Chairman."

MR. SPEAKER:—"I think it will be better to have a choice number of men also on the Select Committee. I do not think it will be right to put Mr. Kaleswara Rao on a Committee consisting of women members alone. (Laughter.) I do not think

it will be easy for him. (Laughter.) Will Miss Ammanna Raja hand·over the names of members to me? "

Miss G. Ammanna Raja handed over the names of members to the Speaker.

SRI G. RANGIAH NAYUDU:—" Is general discussion allowed now? "

MR. SPEAKER:—" I will now put the motion to the vote of the House. Is a general discussion necessary at all? "

SRI G. RANGIAH NAYUDU:—" I want to say something on this Bill."

MR. SPEAKER:—" The Bill will come up again before the House in the next session.

" The question is—

that the Madras Devadasis (Prevention of Dedication) Bill (L.A. Bill No. 22 of 1938) be referred to a Select Committee consisting of the nine members whose names are as follows:—

(1) Srimathi G. Ammanna Raja,
(2) Sri A. Kaleswara Rao,
(3) Srimathi A. V. Kuttimalu Amma,
(4) ,, K. Lakshmi Ammal,
(5) Sri Grandhi Venkata Reddi,
(6) ,, C. P. Subbiah,
(7) ,, Kallur Subba Rao,
(8) ,, G. Krishna Rao, and
(9) the Minister in charge of the department.

I think it is the Hon. Dr. P. Subbarayan.'"

THE HON. DR. P. SUBBARAYAN:—" I think it ought to be the Minister for Public Health, Sir; I think he is in charge of this subject."

SRI T. VISWANATHAM:—" He is not a member of this House, Sir."

MR. SPEAKER:—" I think the sense of the House is that Dr. Subbarayan should be a member of the Select Committee. I now put the question to the House, with his name added on."

The motion was put and carried.

MR. SPEAKER:—" I appoint the Hon. Dr. Subbarayan as the Chairman of the Committee."

(2) THE MADRAS PROHIBITION OF RACES NEWS PUBLICATION BILL, 1939.

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Mr. Speaker, I beg leave to introduce the Madras Prohibition of Races News Publication Bill, 1939."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" I second it."

THE HON. DR. P. SUBBARAYAN:—" I object. . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I will have a chance of making a statement, Sir."

MR. SPEAKER:—" The rules require that if anybody objects, there may be a statement by the mover of the Bill and by the member who opposes it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Ordinarily, no statement is made by the mover unless there is an objector."

THE HON. DR. P. SUBBARAYAN:—" I object, Sir."

MR. SPEAKER:—" If a motion for leave to introduce a Bill is opposed, rule 72 of the Assembly Rules says, ' the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may without further debate put the question thereon.' The Hon. Dr. Subbarayan opposes this motion, and therefore, I allow a statement to be made first by Mr. Abdul Hameed Khan and then, by the Hon. Dr. Subbarayan."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Sir, the Hon. Dr. Subbarayan has opposed the Bill only after I had moved the motion. He may be asked to give the reasons for his opposition. Opposition means full opposition with a speech."

MR. SPEAKER:—" Just as motion means full motion with a speech." (Laughter.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—" And if he merely opposes."

THE HON. DR. P. SUBBARAYAN:—" If the hon. Member wishes to enter into the reason why I am opposing this Bill, he will kindly allow me to make the statement first, and then can decide whether he can go on with the measure or not."

MR. SPEAKER:—" Well, that is not the proper procedure."

THE HON. DR. P. SUBBARAYAN:—" If you think that he ought to make the speech first, I have no objection, Sir."

MR. SPEAKER:—" I think I must allow a brief explanatory statement from him first."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" To make it clear that the opposition is not on merits, but on a different ground altogether, I think the Hon. Dr. Subbarayan wanted to

make a statement first. Perhaps it may be made known to the mover of the Bill that it is so; and that is the only reason why Dr. Subbarayan wanted to speak."

MR. SPEAKER:—"It will be construed as a debate if the mover then replies."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I quite appreciate the difficulty of the procedure, but unofficially at least he may let the mover know that it is not opposition on merits. He may explain the reason when the proper time comes."

MR. SPEAKER:—"Mr. Abdul Hameed Khan may make his explanatory statement first."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, from what the Hon. the Premier says, the opposition does not seem to be so much on merits but on account of certain technical difficulties. If I know what exactly the technical difficulties are, I too may make my statement better and more explanatory. In any case, since the procedure is that I should make a brief statement first, I am doing it now.

"Sir, the Statement of Objects and Reasons, so far as this Bill is concerned, says that we have found that the Act of this Legislature which sought to penalize the running of what are called bucket shops in the city and in the mufassal have to all intents and purposes failed. For, we find that those bucket shops which are supposed to have been penalized and gone out of existence are still in existence in greater numbers and are carrying on their nefarious work in a very underhand manner. In order that these bucket shops should not function, as they are doing to-day, I seek to penalize the publication of all news relating to races not only in the city but throughout the country. My object is to prevent all literature which is called news, with regard to racing, with tips, etc., that are supplied by enterprising people and the booklets supplied to the public by equally enterprising people, and also what are called handicaps and things like that; in short, the class of literature that is published from time to time which is made available to the people in such large numbers that ordinary people who cannot afford a few annas for their daily livelihood are becoming victims to the craze for this inhuman daylight robbery. This sort of bucket-shop-keeping is going on in a very large scale. I dare say the Police have tried to put them down, but in spite of their best, this system is being worked on a wholesale scale. It has not been possible for the Police to pick out the people concerned. By stopping this publication, news will not be available to the people and they won't become victims to the persons who run these bucket shops in the Province, who receive what are called bets from the poor people who earn

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Re. 1 or Re. 1–4–0 per day, and who are supposed to get a good sum if they succeed with regard to the horses on which they bet. Sir, this sort of thing is going on and I can tell you that the poorer people are the greatest victims to this sort of bucket-shop-keeping. I am sure if this Bill is passed, this evil institution, this sinful institution, will go out of existence to a very large extent. But I am afraid, my Friend the Hon. Dr. Subbarayan . . ."

MR. SPEAKER:—"The hon. Member will continue his speech to-morrow."

The House then adjourned to meet again at 3 p.m. the next day.

APPENDIX

[Vide item V at page 258 supra.]

The Madras General Sales Tax (Turnover and Assessment) Rules, 1939.

DRAFT RULES.

1. These rules may be called the Madras General Sales Tax (Turnover and Assessment) Rules, 1939.

2. They shall come into force on the 1st day of October 1939.

3. In these rules, unless there is anything repugnant in the subject or context—

(a) 'the Act' means the Madras General Sales Tax Act, 1939;

(b) 'Form' means a form appended to these rules;

(c) 'Government treasury' means a treasury or sub-treasury of the Provincial Government;

(d) 'month' means a calendar month; and

(e) 'section' means a section of the Act.

4. (1) Save as provided in sub-rule (2) the gross turnover of a dealer for the purposes of these rules shall be the amount for which goods are sold by him.

(2) In the case of the undermentioned goods the gross turnover of a dealer for the purposes of these rules, shall be the amount for which the goods are bought by him

(a) groundnut,

(b) leaf tobacco,

(c) cashew,

(d) untanned hides and skins bought by a licensed tanner in the Province, and

(e) untanned hides and skins exported outside the Province by a licensed dealer in hides or skins.

5. (1) The tax under section 3 (1) shall be levied on the net turnover of a dealer. In determining the net turnover the amounts

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specified in clauses (*a*) to (*i*) shall, subject to the conditions specified therein, be deducted from the gross turnover of a dealer—

(*a*) all amounts allowed as discount, provided that such discount is allowed in accordance with the regular practice of the dealer or is in accordance with the terms of a contract or agreement entered into in a particular case and provided also that the accounts show that the purchaser has paid only the sum originally charged less the discount;

(*b*) all amounts allowed to purchasers in respect of goods returned by them to the dealer provided that the accounts show the date on which the goods were returned and the date on which and the amount for which refund was made or credit was allowed to the purchaser;

(*c*) all amounts for which articles are sold to another dealer for the purpose of accommodating a customer of the latter, provided that the sale is noted in the accounts then and there as an accommodation sale together with the name of the purchasing dealer in respect of each transaction;

(*d*) all amounts for which goods excluded from the operation of the Act under *section* 4 are sold, provided that separate accounts are kept for transactions in each of such goods;

(*e*) all amounts for which goods exempted under section 5 are sold, provided that the dealer is licensed under the Act in respect of such business and that the transactions are by virtue of the Act or these rules or the provisions of the licence exempt from taxation under the Act;

(*f*) all amounts for which goods are sold or purchased by a person licensed under *section* 8, provided that such sales or purchases are exempted from taxation under the Act by virtue of the provisions of the Act or these rules or the terms of the licence;

(*g*) all amounts for which hides or skins are bought or sold except such amounts as are liable to taxation under rule 16, provided that the dealer is licensed in respect of such transactions and that the transactions are carried on in accordance with the provisions of the Act, these rules and the conditions of the licence;

(*h*) all amounts realized by the sale by a dealer of his business as a whole; and

(*i*) in the case of sales of salt by the manufacturer thereof, the duty paid or payable to the Central Government on the salt so sold.

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(2) In the case of dealers having more than one place of business the aggregate turnover of all such places of business shall be taken as the turnover of the business for the purpose of these rules. All returns prescribed by these rules shall in such cases be submitted by the head office in the Province and shall include the turnover of all branches of the business. Each branch shall also intimate to the assessing authority of the area in which it is situated the fact that the return of the turnover of its business is included in the return submitted by its head office and shall specify the name and address of such head office.

(3) For the purpose of determining whether a dealer is eligible for exemption under the first proviso to section 3 (1) only the net turnover as defined in sub-rule (1) shall be taken into consideration.

6. (1) Save as provided in sub-rule (3) every dealer carrying on business on the first day of October 1939 shall, before the 15th day of October 1939, submit to the assessing authority of the area in which his principal place of business is situated—

(*a*) if he was carrying on business during the whole of the year ending the 31st day of March 1939 and his net turnover for that year is not less than Rs. 10,000 a return of his gross and net turnover for that year in Form A; or

(*b*) if he was not carrying on business during the whole of the said year a return in Form A-1 showing—

(i) his gross and net turnover for the first twelve months of his business in case he was carrying on business for a period of not less than twelve months before the 1st day of October 1939 and his net turnover for the first twelve months of his business is not less than Rs. 10,000; or

(ii) his estimated gross and net turnover for the first twelve months of his business in case he was not carrying on business for a period of twelve months before the said date and his estimated net turnover for the first twelve months of his business is not less than Rs. 10,000

(2) Every dealer commencing business after the first day of October 1939 whose estimated net turnover for the first twelve months of his business is not less than Rs. 10,000 shall within thirty days of commencing his business submit to the assessing authority of the area in which his principal place of business is situated a return in Form A-1 showing his estimated gross and net turnover for the first twelve months of his business.

7. The assessing authority shall if he is satisfied, after such scrutiny of the accounts of the dealer and such enquiry as he may consider necessary, that the return submitted under rule 6 is correct and complete, fix provisionally on the basis of the return the annual tax payable at the rates specified in section 3 (1),

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8. If no return is submitted by the dealer as required by rule 6 or if the return submitted by him appears to the assessing authority to be incorrect or incomplete, the assessing authority shall after making such enquiry as he considers necessary determine the turnover of the dealer to the best of his judgment, and fix provisionally the annual tax payable at the rates specified in section 3 (1).

9. Where any return submitted by a dealer appears to the assessing authority to be incorrect or incomplete, the assessing authority shall, before taking action under rule 8, issue a notice to the dealer calling upon him to produce his accounts and prove the correctness and completeness of his return at a time and place to be specified in the notice.

10. As soon as the tax has been provisionally fixed under rule 7 or rule 8 the assessing authority shall issue to the dealer a notice in Form A-2 and the dealer shall pay for each month of the year of assessment one-twelfth of the tax provisionally fixed at the time and in the manner specified in the notice, the monthly instalments due for the months preceding the date of the notice being paid in a lump sum.

11. (1) Every dealer liable to submit a return under rule 6, except those who have elected to be assessed by the method described in rule 13, shall, on or before the first day of May in every year submit to the assessing authority of the area in which his principal place of business is situated a return in Form A showing the actual gross and net turnover for the preceding year.

(2) On receipt of this return the assessing authority shall, if he is satisfied, after such scrutiny of the accounts and such enquiry as he considers necessary that the return is correct and complete, finally assess on the basis of the return the tax payable under section 3 (1) for the preceding year.

(3) If no return is submitted or if the return submitted appears to the assessing authority to be incorrect or incomplete, the assessing authority may after following the procedure prescribed in rules 8 and 9, finally assess the tax according to the best of his judgment.

(4) In addition to making the final assessment for the previous year under sub-rules (2) and (3) the assessing authority shall, at the same time, make the provisional assessment for the current year and shall issue to the dealer a notice in Form A-2.

12. If the final assessment made under rule 11 is greater than the provisional assessment made under rule 7 or rule 8, the assessing authority shall serve upon the dealer a notice in Form B, and the dealer shall pay the sum demanded at the time and in the manner specified in the notice. If the final assessment is lower than the provisional assessment, he shall serve upon the dealer a notice in Form C.

13. (1) In lieu of the method of assessment described in rules 7 to 12 the method described in sub-rules (2) to (5) may, at the option of the dealer, be adopted at any time in the case of dealers whose net turnover exceeds Rs. 20,000. If the dealer desires that this method of assessment should be applied to him from the beginning of any year he shall intimate his desire to the assessing authority at the time of submitting the return prescribed in rule 6 or thereafter before the 1st of April in any year. If, however, he exercises the option after the commencement of any year he shall along with the intimation of his exercise of such option submit to the assessing authority a return in Form A-3 showing the gross and net turnover for the period commencing from the beginning of that year up to the end of the month immediately proceding and shall therewith forward a receipt from a Government Treasury or a cheque in favour of the assessing authority for the full amount of the tax payable by him for such period after deducting therefrom any tax which he might have paid for that year under rule 10.

(2) The dealer shall submit to the assessing authority, on or before the 20th day of November 1939 and thereafter on or before the 20th day of every month, a return in Form A-3 showing the gross and net turnover for the preceding month. Along with the return, he shall also submit a receipt from a Government treasury or a cheque in favour of the assessing authority for the full amount of the tax payable for the month to which the return relates at the rate specified in section 3 (1).

(3) On receipt of the return and of the receipt or cheque referred to in sub-rule (2) the assessing authority shall, after such scrutiny of the accounts and after making such enquiry as he considers necessary, satisfy himself that the return is correct and complete and that the correct amount of tax has been paid.

(4) If no return is submitted in respect of any month before the 20th day of the succeeding month or if the return is submitted without a receipt or cheque for the full amount of the tax payable or if the return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary, and after giving the dealer an opportunity as prescribed in rule 9 of the proving the correctness and completeness of his return, where one has been submitted, determine the turnover to the best of his judgment and assess the tax payable for the month and shall serve upon the dealer a notice in Form B-1 and the dealer shall pay the sum demanded at the time and in the manner specified in the notice.

(5) If at the time of the receipt of the return referred to in sub-rule (3) or of the issue of the notice in Form B-1 referred to in sub-rule (4) or subsequently it is found that the amount paid by

the dealer is in excess of the correct tax payable under section 3 (1), such excess shall, at the option of the dealer, be credited towards the tax, if any, payable by him for succeeding months or be refunded to him.

14. If in any case the assessing authority determines the turnover at a figure different from that shown in a return submitted under the provisions of these rules, he shall record his reasons briefly in writing and shall furnish the assessee with a copy of such record. Nothing contained in this rule shall affect the validity of any assessment duly made.

15. (1) Rules 6 to 13 shall not apply to licensed tanners and other licensed dealers in hides or skins in respect of their dealings in hides or skins; but the provisions of this and the following rule shall apply to them in respect of such dealings.

(2) Every tanner or other dealer in hides or skins whose net turnover for a year has been or is expected to be not less than Rs. 10,000 shall submit to the assessing authority, on or before the 20th day of November 1939 (or the 20th day of the month following that in which he commences business) and thereafter on or before the 20th day of every month, a return in Form A-4 or, as the case may be, in Form A-5 showing his transactions for the preceding month. Along with the return he shall also submit a receipt from a Government treasury or a cheque in favour of the assessing authority for the full amount of the tax payable for the month to which the return relates.

(3) On receipt of the return and of the receipt or cheque referred to in sub-rule (2) the assessing authority shall, after such scrutiny of the accounts and after making such enquiry as he considers necessary, satisfy himself that the return is correct and complete and that the correct amount of tax has been paid.

(4) If no return is submitted in respect of any month before the 20th day of the succeeding month or if the return is submitted without a receipt or cheque for the full amount of the tax or if the return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary, and after giving the tanner or other dealer an opportunity as prescribed in rule 9 of proving the correctness and completeness of his return, where one has been submitted, determine the turnover to the best of his judgment and assess the tax payable for the month and shall serve upon the tanner or other dealer a notice in Form B-1 and the tanner or other dealer shall pay the sum demanded at the time and in the manner specified in the notice.

(5) If at the time of the receipt of the return referred to in sub-rule (3) or of the issue of the notice in Form B-1 referred to in sub-rule (4) or subsequently, it is found that the amount paid by the tanner or other dealer is in excess of the correct tax payable, such excess shall, at the option of the tanner or other dealer, be

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credited towards the tax, if any, payable by him for succeeding months or be refunded to him.

16. (1) In the case of hides and skins the tax payable under section 3 (1) shall be levied in accordance with the provisions of this rule.

(2) No tax shall be levied on the sale of untanned hides or skins by a licensed dealer in hides or skins except at the stage at which such hides or skins are sold to a tanner in the Province or are sold for export outside the Province.

(i) In the case of all untanned hides or skins sold to a tanner in the Province, the tax shall be levied from the tanner on the amount for which the hides or skins are bought by him.

(ii) In the case of all untanned hides or skins which are not sold to a tanner in the Province but are exported outside the Province, the tax shall be levied from the dealer who was the last dealer not exempt from taxation under the first proviso to section 3 (1) who buys them in the Province, on the amount for which they were bought by him.

(3) Sales by licensed dealers of hides or skins which have been tanned within the Province shall be exempt from taxation provided that the hides or skins have been tanned in a tannery which has paid the tax leviable under the Act. If such hides or skins have been tanned in a tannery which is exempt from taxation under the first proviso to section 3 (1) the sale of such hides or skins shall be liable to taxation as under the next sub-rule below dealing with hides or skins tanned outside the Province.

(4) Sales by licensed dealers in hides or skins which have been tanned outside the Province shall be exempt from taxation except at the stage of sale by the dealer who is the first dealer not exempt from taxation under the proviso to section 3 (1) who sells them within the Province. The tax shall be levied from such dealer on the amount for which he sells such hides or skins.

(5) Sales of hides or skins by dealers other than licensed dealers in hides or skins shall, subject to the provisions of section 3, be liable to taxation on each occasion of sale.

17. Every dealer who has bought or sold goods for valuable consideration other than money, shall separately specify in the return of turnover which he is required to submit under these rules the quantity of goods so bought or sold and the description in sufficient detail of the valuable consideration for which the goods were bought or sold. The assessing authority shall fix the value of such consideration in money for the purpose of determining the turnover and assessment of the tax payable under the Act and the value fixed by such authority shall, subject to the appeal and revision provided for in the Act and the rules made thereunder, be final.

FORM A.

(Return of Turnover.)

[*See* rules 6 (1) and 11 (1).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the year ending the 31st March 19 :—

Statement.

Name(s) and postal address(es) of dealer(s).	Place or places of business.	Nature of business (nature of goods bought or sold).	Amount of gross turnover.	Turnover and description of each class of goods exempt from the tax.	Discount allowed.	Amount refunded in respect of articles returned by customers.	Turnover of accommodation sales.	Net turnover liable to the tax.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the year ending the 31st March 19 .

Place...............

Date...............

Signature of dealer(s).

NOTE.—(1) Give the turnover of the immediately preceding financial year.

(2) In column (2) note the addresses of the headquarters and of all branches of the business to which the return relates.

(3) The turnover of each class of goods for which exemption is claimed should be specified separately in column (5).

FORM A-1.

Return of $\frac{\textit{turnover}}{\textit{estimated turnover}}$.

[*See* rule 6 (1) and (2).]

[To be used only (i) by dealers who commence their business after the 1st day of October 1939, and (ii) by dealers who were carrying on business on the 1st day of October 1939 but who were not doing business

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during the whole of the year ending the 31st day of March 1939 or who commenced business after the 31st day of March 1939.]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our $\frac{\text{turnover}}{\text{estimated turnover}}$ for the first twelve months of business. I/We commenced business on..................

Statement.

Name(s) and postal address(es) of dealer(s). (1)	Place or places of business. (2)	Nature of business (nature of goods bought or sold). (3)	Gross or estimated gross turnover. (4)	Turnover or estimated turnover exempt from the tax. (5)	Net turnover or estimated net turnover liable to the tax. (6)

Declaration.

I/We declare that to the best of my/our knowledge and belief the information above is true and complete and that it represents my/our $\frac{\text{turnover}}{\text{estimate of the turnover likely to be realized}}$ for the first twelve months of business.

Place..............

Date...............

Signature of dealer(s).

NOTE.—(1) In column (2) note the addresses of the headquarters and of all the branches of the business to which the return relates.

(2) Estimated turnover should be furnished only by dealers who did not commence their business twelve months before the 1st October 1939.

(3) Separate figures should be given in column (5) for each class of exempted goods.

FORM A-2.

Notice of provisional assessment and demand for payment of the tax.

(*See* rules 10 and 11.)

To

(The dealer).

Take notice that you have been provisionally assessed, under the Madras General Sales Tax Act, 1939, to a tax of Rs..........[rupees.........(in words)] only for the year ending 31st March 19 .

This tax shall be paid in monthly instalments of Rs................[rupees ....(in words)] only. The tax for the months preceding the date of

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this notice shall be paid within fifteen days from the date of service of this notice, and the tax for each of the remaining months before the 10th day of the succeeding month,

by cheque in favour of the undersigned
by remittance into the Government treasury at..........
to the headman of............
to the tax collector who will call for it

failing which the amounts will be recovered as if they were arrears of land revenue and you will be liable to a fine as provided in section 15 of the Madras General Sales Tax Act, 1939.

Turnover as determined by the assessing authority. } Rs...................

Place...............

Date.................

Assessing Authority.

NOTE.—If payment is made by cheque the cheque shall be such as under the Madras Treasury Code may be received by the Treasury concerned.

FORM A-3.

Return of Turnover.

[*See* rule 13 (2).]

To

The Assessing Authority.

Sir,

I/We *furnish below a statement* showing *my/our turnover* for the month of..................

Statement.

Name(s) and postal address(es) of dealer(s). (1)	Place or places of business. (2)	Nature of business (Nature of goods bought or sold.) (3)	Amount of gross turnover. (4)	Turnover and description of each class of goods exempt from the tax. (5)	Discount allowed. (6)	Amount refunded in respect of articles returned by customers. (7)	Turnover of accommodation sales. (8)	Net turnover liable to the tax. (9)

Declaration:

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the month of.......................

Place...............

Date..................

Signature of dealer(s).

NOTE.—(1) In column (2) note the addresses of the headquarters and of all branches of the business to which the return relates.

(2) The turnover of each class of goods for which exemption is claimed should be specified separately in column (5).

[7th August 1939

FORM A-4.

(Return of turnover in the case of tanners.)

[*See* rule 15 (2).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our turnover for the month of......................................

Statement.

Name(s) and postal address(es) of tanner(s). (1)	Place or places of business. (2)	Amount for which hides and skins were purchased for tanning by the assessee(s). (3)

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the month of.................................

Place...............

Date...............

Signature of tanner(s).

NOTE.—Note in column (2) the addresses of the head office and of all the branches of the business to which the return relates.

FORM A-5.

Return of turnover in the case of dealers in hides or skins.

[*See* rule 15 (2).]

To

The Assessing Authority.

Sir,

I/We furnish below a statement showing my/our transactions for the month of.......................

Name(s) and postal address(es) of dealer(s)........ ....

Place or places of business........................

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Statement.

(*a*) For dealers in untanned hides or skins.

Amount for which goods have been sold to tanneries in the Province. (1)	Amount for which goods have been sold to other dealers in the Province. (2)	Amount for which goods have been sold on export outside the Province. (3)	Amount for which goods falling under column (3) were purchased by the dealer(s). (4)

(*b*) For dealers in tanned hides or skins.

Amount for which hides or skins tanned in the Province were sold. (1)	Amount for which hides or skins tanned *outside the Province were sold.* (2)	
	(i) Hides or skins bought from dealers in the Province.	(ii) Hides or skins bought from dealers outside the Province.

Declaration.

I/We declare that to the best of my/our knowledge and belief the information furnished in the above statement is true and complete and that it relates to the months of....................

Place...............

Date...............

Signature of dealer(s).

NOTE—Note in column (2) the addresses of the head office and of all branches of the business to which the return relates.

FORM B.

Notice of final annual assessment and demand.

(*See* rule 12.)

To

(Dealer)

Take notice that you have been finally assessed under the Madras General Sales Tax Act, 1939, to a tax of Rs............[rupees...........(in words)] only for the year ending the 31st March 19 , and that, after deducting the total amount of the monthly payment(s) already made by you towards the tax for that year, you have to pay a (further) sum of Rs............[rupees ....(in words)] only. This balance of tax shall be paid within fifteen days *from the date* of service of this notice

by cheque in favour of the undersigned

by remittance into the Government treasury at..........

to the headman of............

to the bill collector who will call for it

failing which the amount will be recovered as if it were an arrear of land revenue and you will be liable to fine as provided in section 15 of the Madras General Sales Tax Act, 1939.

Turnover as finally determined by the assessing authority. } Rs......................

Place...............

Date...............

Assessing Authority.

NOTE.—If payment is made by cheque, the cheque shall be such as under the Madras Treasury Code may be received by the Treasury concerned.

FORM B-1.

Notice of final monthly assessment and demand.

[*See* rule 13 (4) and (5).]

To

(Dealer)

Take notice that you have been assessed under the Madras General Sales Tax Act, 1939, to a tax of Rs................[rupees...............(in words)] only for the month of.........................19 , and that after deducting the payment(s) already made by you towards the tax for that month you have to pay a (further) sum of Rs.............[rupees............(in words)] only. This amount shall be paid within fifteen days from the date of service of this notice

by cheque in favour of the undersigned, or

by remittance into the Government treasury at..................

failing which the amount will be recovered as if it were an arrear of land revenue and you will be liable to fine as provided in section 15 of the Madras General Sales Tax Act, 1939.

Turnover as determined by the assessing authority. } Rs......................

Place...............

Date...............

Assessing Authority.

NOTE.—If payment is made by cheque, the cheque shall be such as under the Madras Treasury Code may be received by the Treasury concerned.

FORM C.

Notice of final assessment and refund order.

(*See* rule 12.)

To

(Dealer)

Take notice that you have been finally assessed under the Madras General Sales Tax Act, 1939, to a tax of Rs................[rupees...............(in words)] only for the year ending the 31st March 19 . The total amount of tax paid by you already is Rs................[rupees...............(in words)] only, that is, Rs................ in excess of the tax due. A refund order is enclosed. You should apply to the Government treasury at............... for the refund of this sum within three months from the date of service of this notice failing which the amount will lapse to the Government.

Turnover as finally determined by the assessing authority. } Rs......................

Place...............

Date...............

Assessing Authority.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 8th August, 1939.

The House met in the Legislative Assembly Chamber, Fort St. George, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Resolution of the Madras Legislative Assembly protesting against the Federation scheme.

* 71 Q.—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether the resolution passed by this House protesting against the Federation scheme envisaged by the Government of India Act, 1935, together with the speeches made by the hon. Members in respect of the same was submitted to the Secretary of State for India; and

(*b*) whether any reply was received?

THE HON. SRI C. RAJAGOPALACHARIAR:—"(*a*) The answer is in the affirmative.

"(*b*) The answer is in the negative."

SRI K. V. R. SWAMI:—"May I know whether it is likely that any replies will be received from the Secretary of State?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have already answered clause (*b*) in the negative."

SRI K. V. R. SWAMI:—"May I know whether any further representation will be made to the Secretary of State on the subject so that we may get some answer definitely?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is possible, Sir, and it will be considered."

SRI G. KRISHNA RAO:—"Are any replies generally expected to these resolutions conveyed to the Secretary of State for India?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"In many matters they do send replies; but this being an all-India matter, coming from all provinces and being a stock subject, so to say, probably they did not send individual communications."

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Formation of linguistic provinces.

* 72 *Q*.—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(*a*) whether any reply was received from the Secretary of State for India to the further representations made in respect of the formation of linguistic provinces and particularly the Andhra Province; and

(*b*) if so, what the same is?

THE HON. SRI C. RAJAGOPALACHARIAR:—"(*a*) & (*b*) As already stated by me on the floor of the House, we have received an adverse answer. As to when and whether and what further effective action may be taken will be considered by the Government."

SRI G. KRISHNA RAO:—"It has been stated that further representations were made and answer was awaited. May I know, Sir, whether any further answer was received to the further representations?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"An adverse answer has been received."

SRI K. V. R. SWAMI:—"If I remember aright, the Hon. the Premier stated when a question was put last time that further representations were sent on that subject and that he expected some answer. Am I to understand, Sir, that further negative answers have been received?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"There were certain official and demi-official communications and possibly there was a little bit of crossing between the question and the actual paper that we received; but on the whole, I am now in a position to say that the answers received have been so far adverse. I am not just now in a position to say the date when the question and the previous demi-official communication were received. All the answers so far received have been adverse."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, whether the Hon. the Premier will give us an idea of what the Government would do in future?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I take it that the question is what kind of action the Government intend to take in this matter. That is the thing for consideration."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"May I know whether these further representations were made only in respect of the Andhra Province or in respect of other provinces as well?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"Only in respect of the Andhra Province. The chief difficulty at the other end as represented was the apprehension that this demand would spread all over India in respect of various other possible provinces. So far representation has been concentrated on only this province."

SRI KALA VENKATA RAO:—"Will the Government take this House into confidence as regards their future action?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It depends on the advisability thereof."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, whether in view of the strong feelings of the Andhras with regard to this question on the delay that has occurred, the Government would take effective and immediate steps?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Government would; but the Government will certainly be grateful for suggestions as regards the 'effective steps'."

SRI K. VENKATAPPAYYA:—"May I know, Sir, whether the reply from the Secretary of State is simply to postpone the question or whether it is absolutely negative?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"If it were postponement, I should have mentioned it as a great triumph achieved. But it has been adverse so far."

SRI D. V. RAMASWAMI:—"May I know the date on which the last adverse answer was received?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"24th January."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, whether the Government would be prepared to make this a first-class issue?" (Hear, hear.)

MR. SPEAKER:—"The hon. Member is putting a question as to the future policy of the Government, whether they would make this a first-class issue. The question is perfectly permissible."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is a first-class issue already. As to what further action should be taken, is a matter for the people and the Government to decide. If the House, for instance, gives a direction to the Ministers to resign, they will very gladly do so."

SRI S. NAGAPPA:—"Am I to understand that the Secretary of State is so irresponsible as to turn down so modest and reasonable a demand which has been agitating the minds of the people for the last so many years?"

MR. SPEAKER:—"The question is disallowed."

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SRI B. ANANTACHAR:—"May I know, Sir, why the same representations were not made in respect of all linguistic provinces?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The question asked was not audible to the House; but I shall repeat it. It is as to why the same representations were not made in respect of other possible linguistic provinces.

"The objection raised to the grant of the request in respect of this Province is principally that as a result of the new reforms and the political atmosphere created thereby, new demands for the re-distribution of boundaries all over India would create new difficulties. That being the basis for the adverse answer, it is considered inadvisable to multiply the demand for various other provinces as it would then defeat our purpose."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Arising out of the answer of the Hon. the Premier in regard to making this matter a first-class issue that the Government are prepared to resign if this House gives a direction to that effect, may I ask whether a mandate from the Andhra members of this House would not be sufficient for resigning on this issue?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is a little doubtful for two reasons; the first is whether it would be proper and secondly whether it would be of effective advantage."

SRI K. V. R. SWAMI:—"May I know, Sir, whether there is anything more to be done short of the Ministry resigning on this issue?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"There is plenty of work to do before the Ministry is to resign; there is much to be done still; resignation is not an end of life."

SRI D. V. RAMASWAMI:—"Arising out of the answer given to the previous supplementary question, may I take it, Sir, that subsequent to the 24th January, further representations have been made by the Madras Government to the Secretary of State?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Merely letters being repeated will have no effect; so we did not wish to take ineffective steps in that way. But surely some representations were being made, though not by means of letters."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, if in the matter of a separate province for the Andhras, the consensus of opinion on the part of the Andhras is not enough for justifying the creation of an Andhra Province and also for giving effect to that resolution by this Government?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"It is an argument, Sir. It is sufficient for the Andhras to feel that a province should be given them but it may not be sufficient to make the Secretary of State agree to it. It would be better to use stronger and effective forces to bring this about. Hence, I submit that a mandate from the whole of the House would be better."

SRI KALA VENKATA RAO:—"Will the Government be pleased to allot a day so that this House may be in a position to express its opinion on the refusal of the Secretary of State?"

MR. SPEAKER:—"If a resolution is given notice of by any hon. Member, a day will be allotted. The Government cannot allot a day without there being any motion to that effect before the House."

SRI B. ANANTACHAR:—"May I know, Sir, whether the Government have any idea of giving an ultimatum to the Secretary of State in respect of this demand?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Obviously the hon. Member is thinking aloud. We cannot give ultimatums like that, especially, if they are to be effective. All hon. Members will have to think; all parties and all political organizations in this country will have to think; mere ultimatums from Ministers will not be effective."

SRI G. RANGIAH NAYUDU:—"Why not the Government take further action to convene a special meeting and discuss the matter, so that the Government might be armed with the mandate of the House in their correspondence with the Secretary of State for India?"

MR. SPEAKER:—"If there is sufficient pressure on the Government by hon. Members, the Government will consider it."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know whether it is the idea behind the mind of the Hon. the Premier that other sections of this House would not be so very keen on this question as the Andhras themselves and therefore, he wants that the other sections also must be brought in before he could make it a first-class issue?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"There is nothing so intricate or difficult to reach. The matter is very plain. The resolution would be effective if it is of the whole House."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Inasmuch as the resolution passed by this House was in respect of all provinces, am I to understand that that resolution has no meaning, the only difficulty being the creation of various provinces?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have explained the position as I see it. Sympathizing as I do strongly with the movement for the Andhra Province and seeing the nature of the objection raised, I advised that multiplicity of claims for multiplicity of provinces will be productive only of failure in the attempt. My sincere and straight advice is that that which can be done should be done quickly and should be concentrated upon. When other provinces are mixed up, it will only strengthen the hands of the objectors who say that it would raise boundary disputes all over India and it would mean the retardation of progress and disturbance of the present arrangements and so they will have to wait; and it would, I fear, be a reasonable answer which it would be difficult to meet."

SRI R. B. RAMAKRISHNA RAJU:—"The Hon. the Premier said that the reason for this adverse answer was that the Secretary of State thinks . . ."

MR. SPEAKER:—"I think that it is an argument and not a supplementary question."

SRI R. B. RAMAKRISHNA RAJU:—"I am presently coming to the question, Sir. Arising out of the answer, will the Government inform the Secretary of State that division of the country into linguistic provinces is what exactly the Congress wants?"

MR. SPEAKER:—"How has this supplementary question a bearing on the question before the House?"

SRI R. B. RAMAKRISHNA RAJU:—"Will the Government inform the Secretary of State for India that what the Congress wants is the division of India into linguistic provinces?"

MR. SPEAKER:—"The question is disallowed."

SRI K. VENKATAPPAYYA:—"May I ask the Hon. Premier why a resolution of this House should not be passed limiting it to the creation of the Andhra Province so that it may be effective?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I wish to inform hon. Members that merely and formally restricting our resolution to a particular province does not meet the case at all. The position of the other side is that nothing can be done in respect of one province, as it will rouse similar demands all over India with reference to boundaries. It is not merely a formal restriction of the case. Merely restricting our resolution to the particular province will not achieve the purpose. People are not so simple as that."

SRI K. VENKATAPPAYYA:—"May I suggest to the Hon. Premier that a proper answer be sent to the Secretary of State saying very strongly that this agitation has been going on for a long time?"

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THE HON. SRI C. RAJAGOPALACHARIAR :—" That has been said very strongly."

H. S. HUSSAIN SAHIB BAHADUR :—" Is it not the definite policy of this Government to have, if possible, linguistic provinces in this Presidency? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" I cannot say that is the definite policy of the Government."

SRI E. KANNAN :—" May I know whether it is not possible for this Government to compel the Secretary of State in a matter like this? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" It is a question in politics, not in Government."

MAHBOOB ALI BAIG SAHIB BAHADUR :—" Is the Hon. Premier aware, Sir, that some people think that there is defect in the demand made by this Government? "

MR. SPEAKER :—" The question is too vague to be allowed."

H. S. HUSSAIN SAHIB BAHADUR :—" After having accepted the resolution of this House, may I know why it is that it is not the definite policy of this Government to have linguistic provinces in this Presidency? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" In the sense in which the resolution has been accepted, the matter was perfectly clear. When the hon. Member put the question, 'Is it the definite policy?' I do understand him to mean something more."

MAHBOOB ALI BAIG SAHIB BAHADUR :—" Is it not a fact, Sir, that some people think that there is some defect technically in the demand made by us? "

MR. SPEAKER :—" The question is too vague and therefore disallowed."

SRI KALA VENKATA RAO :—" May I know whether the Government will be pleased to sponsor an official resolution of protest in this matter? "

THE HON. SRI C. RAJAGOPALACHARIAR :—" Sir, if I had been convinced that the mere repetition of a resolution of that kind would produce any effect, I would have taken that step already."

SRI S. NAGAPPA :—" May I know what is the objection that stands in the way of the Hon. Premier being convinced? "

MR. SPEAKER :—" The question cannot be allowed."

THE HON. SRI C. RAJAGOPALACHARIAR :—" I think I have understood him, Sir."

MR. SPEAKER :—" I have not understood him." (Laughter)

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Sri S. NAGAPPA :—" May I know what is the actual objection that stands in the way, Sir, . . .? "

Mr. SPEAKER:—" What is the question, please? "

Sri S. NAGAPPA :—" What is the objection that stands in the way, Sir, of forming provinces on a linguistic basis? "

Mr. SPEAKER :—" It is not this Government that can form provinces. The question is disallowed.

" It appears that some members of the Legislative Council are sitting on the floor of this House; they will kindly withdraw. They can occupy the Speaker's Gallery seats."

Sri KALA VENKATA RAO :—" May I know whether the Government will be pleased to issue a communiqué on the subject regarding their further action? "

The Hon. Sri C. RAJAGOPALACHARIAR :—" Sir, it should not be left by hon. Members merely to the Government to think out the effective action to be taken. If any effective action occurs to the Government they will adopt it; but if any effective action occurs to others, they should communicate it to the Government, and the net result may take the form of some kind of political work. I do not think this kind of discussion will help us any further. I may say generally after so much speaking on the subject, that merely repeating representations on our part, appears to my humble mind a confession of weakness. We ought not to be repeating words merely. We should see what we have to do. That is the reason why we have not made any further representations."

Sri S. NAGAPPA :—" May I know from the Hon. Premier what the line of action that he suggests is? "

The Hon. Sri C. RAJAGOPALACHARIAR :—" I do not think that question should be allowed. It is for the hon. Member to suggest the action to be taken."

Measures to increase the percentage of detection of crime in this Province.

* 73 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state what steps have been taken or will be taken to increase the percentage of detection of crime in this Province?

The Hon. Sri C. RAJAGOPALACHARIAR :—" The detection of cognizable crime was—

	PER CENT.
In 1936	45·3
,, 1937	45·2
,, 1938	43

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The figure for 1938 is well above the average for the five years ending 1936. I do not believe there is any ground for apprehension in these slight percentage variations in view of the fact that crimes are not all of one kind and evidence available does not follow any statistical law. A revised and up-to-date curriculum of training for probationary Sub-Inspectors of Police in the practical and scientific investigation of crime was introduced in the Police Training School, Vellore, last year. Improvement in the detection of crime is the constant aim of the police force and its officers. The Government consider that everything practicable is being done in the matter."

SRI S. NAGAPPA:—" May I know, Sir, whether it is not a fact that the detectors of crime are more responsible for the crimes than the criminals? " (Laughter)

MR. SPEAKER:—" The question is disallowed."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" May I ask, Sir, whether the Government will consider the desirability of constituting a separate Crime section in the districts also, as they have done in the city, to increase the percentage of detection in the districts? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" It is a possible reform if we had plenty of money."

Proposal for the discontinuance of the Tottenham system in the Revenue department.

* 74 *Q*.—SRI P. MADHAVAN: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) when the Tottenham system was introduced in the Revenue department;

(*b*) whether the Government are aware that as a result of the introduction of the system, work in the Revenue department has considerably increased and that as a consequence of the abolition of the post of registering clerk as recommended by Mr. Tottenham, many important papers become missing which, before the introduction of the system, would have found safe custody in the file of the registering clerk; and

(*c*) whether the Government will be pleased to consider the advisability of instituting an inquiry whether the Tottenham system is a failure or not?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—" (*a*) The system was introduced experimentally in a few Collectors' offices in 1918 and was extended to all Collectors' offices a few years later. It was subsequently adopted slightly for use in Divisional offices and eventually introduced also with suitable modifications in Taluk, Deputy Tahsildars' and Sub-Magistrates' offices.

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"(b) The Government have no reason to think that the facts are as suggested in the question but they have asked the Board of Revenue to report.

"(c) The desirability of further action will be considered in the light of the report referred to under (b) above."

Present stage of the proposal for the reduction of land-tax.

* 75 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state the stage at which the proposals for the reduction of land-tax stand at present?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—"The consideration of the land revenue policy of the Government has not yet been completed in all its aspects. The examination is expected to be completed shortly."

H. S. HUSSAIN SAHIB BAHADUR:—"Will any Bill be introduced in the next session of the Assembly with regard to land-tax?"

SRI T. VISWANATHAM:—"I have just now said that it will be completed shortly, and it is only after the examination of the question that the Bill can come. But I may say that there is the possibility of the Bill coming in a short time."

Grievances of the Electricity Consumers' Association, Calicut.

* 76 Q.—SRI A. CHANDOO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any representations were made to the Hon. Minister by the Electricity Consumers' Association of Calicut on 15th April 1939 at Calicut and on 25th April 1939 at Fort St. George, regarding their grievances; and

(b) whether the Government have taken or propose to take any action in the matter, and if so, what it is?

THE HON. MR. YAKUB HASAN:—"(a) The answer is in the affirmative.

"(b) The matter is under consideration."

Entertainment of male nurses in hospitals on communal basis.

* 77 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the entertainment of male nurses in hospitals in this Province is made on communal basis; and

(b) if not, why?

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THE HON. DR. T. S. S. RAJAN:—"(a) The answer is in the negative.

"(b) The rule regarding communal representation in services is not applicable to the recruitment of male nurses. It is not considered necessary to apply the rule at present."

SRI G. RANGIAH NAYUDU:—"May I know, Sir, how many have already been appointed?"

THE HON. DR. T. S. S. RAJAN:—"Thirty-three."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know why the communal Government Order is not applicable in this case?"

THE HON. DR. T. S. S. RAJAN:—"It will be applied only when the necessity for the communal Government Order arises. So far as the Government are aware, necessity has not arisen here."

SRI G. KRISHNA RAO:—"May I know, Sir, when there is so much of interest here that the communal Government Order should be adhered to, whether the Government will consider the desirability of admitting in-patients into hospitals on the basis of the ratio laid down in the communal Government Order?" (Laughter)

Drainage scheme for the Nellore municipality.

* 78 *Q*.—SRI V. VENKATASUBBAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(*a*) whether the Nellore municipality has submitted a drainage scheme for the sanction of the Government;

(*b*) whether the municipal council has deposited the amount necessary for the preliminary investigation of the scheme; and

(*c*) in what stage the investigation of the scheme is at present?

THE HON. DR. T. S. S. RAJAN:—"(*a*) & (*b*) The answer is in the affirmative.

"(*c*) The investigation has been completed and the preparation of plans and estimates has been sanctioned."

Use of hand-pounded rice in all headquarters hospitals.

* 79 *Q*.—SRI G. KRISHNA RAO: Will the Hon. the Minister for Public Health be pleased to state with reference to my starred question No. 1212 answered on the 25th April 1939, regarding the use of hand-pounded rice in all Headquarters hospitals—

(*a*) whether the information called for with regard to clauses (*b*) and (*c*) has been received; and

(*b*) if so, whether the Government will be pleased to lay the information on the table of the House?

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THE HON. DR. T. S. S. RAJAN :—" (*a*) The answer is in the affirmative.

" (*b*) The total consumption of rice during 1938–39 in all Government medical institutions in the Province was about 33,520 Madras measures, and it is anticipated that approximately the same quantity of rice will be consumed in 1939–40. The anticipated extra expenditure on account of the use of the same quantity of hand-pounded rice in the Government medical institutions during 1939–40 will be about Rs. 11,690 when compared with the total cost of milled rice consumed in the previous year."

SRI G. KRISHNA RAO :—" May I know, Sir, as I hear there is serious impairment of health in the case of patients who are now given milled rice, why this extra expenditure should not be incurred by the Government in the coming year? "

THE HON. DR. T. S. S. RAJAN :—" The question of impairment of health is a matter for decision by the medical authorities. I may, however, inform the hon. Member that hand-pounded rice, even for ordinary individuals, is any day better than polished rice. Scientific investigation has proved the fact that there are very valuable vitamin contents in rice which are lost in polishing. Particularly in the case of patients in hospitals, it has been found necessary that they should have the full vitamin value of rice."

SRI G. KRISHNA RAO :—" Sir, in view of the answer given by the Hon. Minister, may I know why the same standard of health precaution is not taken with regard to the General Hospital as well as the Mental Hospital in Madras? "

THE HON. DR. T. S. S. RAJAN :—" I have answered this question once before. The financial implications of the procedure have to be taken into account; we are considering the introduction of it in these two hospitals as early as possible."

SRI D. V. RAMASWAMI :—" Arising out of the answer given by the Hon. Minister with regard to the superiority of hand-pounded rice, may I ask whether the Government are aware that hand-pounded rice cannot be tendered for as low a price as milled rice? "

THE HON. DR. T. S. S. RAJAN :—" Hand-pounded rice under the existing circumstances to-day does cost a little more than milled rice. If hand-pounded rice is used on a more extensive scale, I am sure the price will come down very much and it will compare very favourably with milled rice."

SRI D. V. RAMASWAMI :—" Was not a tender rejected on account of the high price of milled rice? "

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THE HON. DR. T. S. S. RAJAN:—"I do not know about particular hospitals, but hand-pounded rice has been introduced in all the hospitals irrespective of the cost, because the Government consider that the slight extra amount they pay in the shape of higher price for hand-pounded rice is worth the advantage derived from it."

SRI G. KRISHNA RAO:—"May I know, Sir, if roughly-milled rice is as good in vitamins as hand-pounded rice?"

THE HON. DR. T. S. S. RAJAN:—"It is very difficult as things stand to get in the market milled rice of the quality that is required and that would compare favourably with hand-pounded rice."

SRI G. RANGIAH NAYUDU:—"Has hand-pounded rice been introduced in all the hospitals in the Province?"

THE HON. DR. T. S. S. RAJAN:—"It has been introduced in all the hospitals in the Province, except the General Hospital and the Mental Hospital."

SRI G. RANGIAH NAYUDU:—"Why not in the General Hospital, Sir?"

THE HON. DR. T. S. S. RAJAN:—"I have already stated that it is a question of finance."

Operation of Act IV of 1938 in South Kanara.

*80 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the percentage by which debts have been scaled down under the Madras Act IV of 1938 in the district of South Kanara?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"By 37 per cent, so far as debts scaled down by civil courts during the 16 months ending with June 1939 are concerned."

Revival of temperature reading in Guntur town.

*81 Q.—SRI K. VENKATAPPAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the reason why the readings of the temperature in the town of Guntur have been discontinued; and

(b) whether the Government propose to revive the arrangement?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"(a) & (b). As the hon. Member is no doubt aware, the subject is a Federal one. The Provincial Government have no information."

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Collection of minor forest produce by the Forest department.

* 82 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether departmental collections of minor produce of forests have been found by the Government to be more profitable than giving them on contract; and

(*b*) the reasons for not introducing such practice in all divisions? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—
"(*a*) Departmental collections of certain selected products are being made as it was found that their full value was not realized when sold to contractors.

"(*b*) The work is still largely experimental, but it is being extended."

Creation of more forest panchayats.

* 83 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether there are any proposals to create more forest panchayats; and

(*b*) if so, how many more? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) The answer is in the negative."

Reduction of the scale of penal fee leviable for unauthorized grazing.

* 84 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) what the scale of penal fee for unauthorized grazing is; and

(*b*) whether the Government propose to reduce such fees? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—"(*a*) Presumably the hon. Member refers to the fee levied for the composition of grazing offences. There is no fixed fee. It shall not ordinarily exceed four times the grazing fee in the case of offences relating to forest areas which are open to grazing and ten times the grazing fee in the case of offences relating to forest areas which are closed to grazing. In special cases a higher fee may be charged, but in no case shall the maximum compounding fee exceed Rs. 100.

"(*b*) The answer is in the negative."

SRI K. V. R. SWAMI:—"May I know whether in view of the fact that these fees are very high, a reduction of the fees would be considered? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" In the interest of the forests, I do not think the fees can be reduced."

MAHBOOB ALI BAIG SAHIB BAHADUR :—" Is there any proposal before the Government to make grazing of a certain number of cattle free? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" There is no such proposal before the Government."

SRI G. RANGIAH NAYUDU :—" May I know what the forests are which are open to grazing, Sir? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" If the hon. Member desires to have a list of such areas in a particular district, he can apply to the Chief Conservator of Forests."

SRI K. V. R. SWAMI :—" May I know from the Hon. Minister whether in view of the poor status of the agriculturists, he will not consider the decrease of the fee, Sir? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" All these matters have been taken into account and the Government have come to this decision of fixing this fee."

MAHBOOB ALI BAIG SAHIB BAHADUR :—" Is the Minister aware that in the Zamindari Committee's Report which has been accepted by this Legislature, forests are considered to belong to the people, i.e., the villagers, and does it not consequently follow that they should be allowed to graze their cattle free? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" I think the question relates to a different aspect of the matter."

MAHBOOB ALI BAIG SAHIB BAHADUR :—" Do the Government think that the forests under the control of the Government stand on a different footing from the forests within the zamindari areas? "

MR. SPEAKER :—" It is asking for an expression of legal opinion. It cannot be the subject-matter of a supplementary question."

Formation of wild life sanctuaries in certain places in the Province.

* 85 *Q.*—SRI K. V. R. SWAMI : Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether there are any proposals for the formation of a wild life sanctuary in certain places in the Province;

(*b*) what the estimated expenditure and revenue are;

(*c*) whether the Government have arrived at any decision; and

(*d*) if so, what the same is?

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THE HON. SRI V. I. MUNISWAMI PILLAI:—" (a) Yes. There is a proposal for the formation of a wild life sanctuary in the Nilgiris Forest Division.

" (b) The proposal does not involve any extra expenditure and as the revenue depends on the popularity of the scheme, it cannot be estimated beforehand.

" (c) & (d) The proposal is still under the consideration of the Government."

Basis for assessing the rent payable by forest panchayats.

* 86 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the basis on which the rent payable by forest panchayats is assessed?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" The attention of the hon. Member is invited to sub-paragraph (ix) of paragraph 6 of Board's Standing Orders 195-A, Chapter XIX in Volume IV."

Segregation of Indians in South Africa.

* 87 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have received any information regarding segregation of Indians including Madrasis by the Union Government in South Africa by an Act of legislation; and

(b) if so, what steps the Government have taken in the matter?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (a) The Government have received a copy of the statement of the South African Indian Congress, presented to the Hon. the Minister of the Interior on the scheme of segregation enunciated by him.

" (b) As it was subsequently understood that the measure had been shelved, no action at present was considered necessary."

Alleged disregard of rules by several municipalities in the matter of acceptance of tenders and budget provision.

* 88 Q.—SRI G. KRISHNA RAO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether he is aware that according to the Administration Report of District Municipalities, 1937–38, several municipalities fail to invite tenders for the supply of goods and materials for the execution of works and that when they call for tenders they accept higher tenders without recording satisfactory reasons and that such irregularities are continuing in spite of the remarks of the Examiner of Local Fund Accounts;

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(*b*) what steps the Government have taken to stop this irregularity;

(*c*) whether the Government are aware that in all these recent Administration Reports there is a general charge that there is expenditure in excess of budget provision and that disregard of rules relating to the budget continues; and

(*d*) what action the Government have taken to see that this defect is remedied?

THE HON. SRI B. GOPALA REDDI:—" (*a*) The general review on the administration of district municipalities for 1937–38 shows that defects and irregularities of the kind referred to in the clause were noticed in several municipalities. The Government have no reason to think that such irregularities continue now to the same extent as then.

" (*b*) Detailed instructions were issued to municipal councils in July 1937 in regard to the procedure to be adopted by the municipal authorities in the disposal of tenders.

" (*c*) & (*d*) The Examiner of Local Fund Accounts noticed in his review on the accounts of municipalities for 1937–38 in general that there were cases of such irregularities. The Government have no reason to think that there is a general disregard of such rules and do not consider that any special action is called for. While reviewing the audit reports, municipal councils are advised by Government individually to follow strictly in future the provisions of the rules in this regard."

SRI G. KRISHNA RAO:—" As these rules are disregarded persistently year after year and the Examiner of Local Fund Accounts is bringing this to the notice of the Government, is there any improvement in the state of affairs? "

THE HON. SRI B. GOPALA REDDI:—" I have already said that there is distinct improvement."

SRI G. KRISHNA RAO:—" This has been going on persistently every time the Examiner of Local Fund Accounts has examined the municipal accounts. It is not only for one year; it has been going on for the past many years and the Government have been repeatedly saying that these irregularities must stop. Last year 26 municipalities did not give satisfactory accounts and the year before last 16 gave unsatisfactory accounts. We thus see that ten more municipalities have been giving unsatisfactory accounts. How can the Minister call this an improvement? "

THE HON. SRI B. GOPALA REDDI:—" I say that definite instructions were issued in July 1937 and we find that there is distinct improvement."

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SRI S. NAGAPPA:—"May I know, Sir, if they fail to satisfy the instructions given from time to time, what action the Government propose to take?"

THE HON. SRI B. GOPALA REDDI:—"The Examiner of Local Fund Accounts is seeing that the instructions are carried out."

Construction of a bridge across the river Cheyyar at Perunagar in the North Arcot district.

* 89 Q.—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have approved the estimates for constructing a bridge instead of a causeway by the District Board of North Arcot across the river Cheyyar at Perunagar; and

(b) if so, what the estimated cost is?

THE HON. SRI B. GOPALA REDDI:—"(a) The answer is in the negative. The question whether a bridge or a causeway should be constructed has not been settled.

"(b) The question does not arise."

Conditions for the grant of exemptions to under-aged candidates for the S.S.L.C. examination.

* 90 Q.—SRI V. VENKATASUBBAYYA: Will the Hon. the Minister for Education be pleased to state—

(a) whether candidates for the S.S.L.C. examination are required to obtain at least 1 mark over the class average in 4 out of 6 subjects in order to be eligible for exemption if they are short of age by one year;

(b) whether candidates who are under-aged by more than one year are required to obtain 50 per cent of the marks in the aggregate to be eligible for exemption;

(c) what the reasons are for insisting on such a very high standard in the case of the more immature students; and

(d) whether the Government propose to equalize the conditions for exemption in the case of all candidates alike?"

THE HON. SRI C. J. VARKEY:—"(a) & (b) The answer is in the affirmative.

"(c) The idea is that very young pupils should not be subjected to the strain of a public examination unless their performance at school has been so good that it would be manifestly unfair to detain them in the same class for another year.

"(d) There is no such proposal under consideration."

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SRI V. VENKATASUBBAYYA:—"May I know, Sir, whether the Government are aware that the insistence of high marks in respect of children who are under-aged will cause severe strain on their young brains?"

THE HON. SRI C. J. VARKEY:—"It is just to prevent that that we have got this restriction."

SRI V. VENKATASUBBAYYA:—"Do the Government not know that if higher marks are insisted upon it will certainly give undue strain?"

THE HON. SRI C. J. VARKEY:—"No, Sir. That is a presumption."

*91 Q.—*Omitted.*

Savings effected on account of the introduction of economy measures during 1938–39.

*92 Q.—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) the amount of savings estimated by the Government for the year 1938–39 on account of economy measures they desired to effect; and

(b) how much was actually saved?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Taking into account only those measures of retrenchment the results of which can be assessed at least approximately, the Government anticipate that the ultimate result will be an annual saving of about Rs. 25 lakhs. It is not possible to find out, without a very elaborate enquiry, the amount actually saved on account of these measures in any particular year."

Extra expenditure, if any, incurred by the Government on account of serious riots in 1938–39.

*93 Q.—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government have investigated into the reasons for so many as 29 serious riots in the year 1938–39;

(b) whether any extra expenditure was incurred on account of these riots; and

(c) if so, what the same is?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"(a) The hon. Member apparently refers to the riots in 1938. The answer is in the affirmative. The riots were found to be chiefly due to faction, communal tension or labour disputes.

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Each such case is investigated by Government separately as and when it occurs and not as a whole on the basis of the year's total.

(b) Riots generally involve extra expenditure.

(c) The making of additional police arrangements both at the time of the riots and thereafter means additional expenditure. It is not practicable to give figures in rupees, annas and pies. "

Protest against the shifting of the police station from Neikkuppai village to Chathurvedamangalam, Tiruppattur taluk, Ramnad district.

* 94 *Q.*—SRI V. S. R. M. VALLIAPPA CHETTIYAR:— " Will the Hon. the Prime Minister be pleased to state—

(a) the reasons for shifting the police station from Neikkuppai village to Chathurvedamangalam, Tiruppattur taluk, Ramnad district;

(b) whether any representations were made objecting to and protesting against the proposal to shift it; and

(c) if so, what action has been taken in the matter? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) The crime figures of Neikkuppai station for the last ten years showed that while property crimes were frequently committed in the vicinity of Chathurvedamangalam, the villages adjoining Neikkuppai were free from crime. The District Magistrate, Ramnad, and the Inspector-General of Police were of the opinion that it was desirable to shift the police station from Neikkuppai back to Chathurvedamangalam.

(b) & (c) The Government received such representations but on considering them, they found no adequate reason to alter their decision. "

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" The fact that there were no crimes in the vicinity of Neikkuppai village was due to the cause that the police station was there all along . . . "

THE HON. SRI C. RAJAGOPALACHARIAR:—" If crime is repeated it is probable that the police station will go back."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" May I ask whether the Hon. the Premier is aware that the village of Neikkuppai is a panchayat and is fairly bigger than Chathurvedamangalam and is also situated on the border line of the Pudukkottah State?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—" I have seen the map. What the hon. Member says is correct, but it is also correct to say that Chathurvedamangalam also is near another part of the Pudukkottah border. The question is not whether it is a big village, but it is a question of crime and the necessity for a police station."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" I want the Premier to say whether a police station should be given to a place where there is much property and wealth or to an isolated place where there is not much property and wealth? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" In some places the police station is a defensive one, in other places it may be offensive. We have to remember that there is no necessity for a police station at a place where people are wealthy, because they are good men, and probably it would be better to have the police stations where the criminals live."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" May I know whether the Hon. the Premier is aware that there are criminal tribes living on the border limits of the Pudukkottah State, especially near Neikkuppai village? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" It is part of the representation that has been made."

Repeal of the Criminal Tribes Act.

* 95 *Q.*—SRI R. S. MANIKKAM: Will the Hon. the Minister for Law be pleased to state whether it is a fact that the Government are contemplating the repeal of the Criminal Tribes Act?

THE HON. DR. P. SUBBARAYAN:—" The answer is in the affirmative."

Quantities of food supplied to prisoners in jails.

* 96 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(*a*) whether it is a fact that each convict is given the same fixed quantity of food;

(*b*) whether it is a fact that some find it more and some find it less; and

(*c*) whether the Government will consider the question of giving each convict as much as he wants?

THE HON. DR. P. SUBBARAYAN:—" (*a*) Food is given in accordance with the scales fixed in rule 347 of the Jail Manual, to which the hon. Member is referred. It will be

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found that the quantity given to labouring male convicts is slightly larger than that given to non-labouring male convicts, women convicts and under-trial prisoners.

" (*b*) The Government have no reason to think so.

" (*c*) The answer is in the negative."

SRI K. V. R. SWAMI:—" May I know from the Hon. Minister whether there will be any variance in expenditure if each convict is given as much as he can eat, that is, instead of giving each man a fixed quantity, will it not serve the purpose better if each one is given as much as he consumes? "

THE HON. DR. P. SUBBARAYAN:—" It is a very difficult matter, Sir, but the hon. Member's suggestion will be considered."

An hon. Member.—" May I know whether it is the opinion of the Government that women consume less than men? " (*Laughter*)

MR. SPEAKER:—" It is a hypothetical question and is disallowed."

Introduction of tinned brass vessels for cooking purposes in jails.

*97 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(*a*) whether it is a fact that all cooking is done in jails in vessels made of iron or steel; and

(*b*) whether the Government propose to consider the question of using brass vessels coated with tin inside for cooking purposes?

THE HON. DR. P. SUBBARAYAN:—" (*a*) Cooking is done in jails in iron or aluminium pots.

" (*b*) The Government see no necessity, failing any complaints on the matter, to consider the proposal."

SRI K. V. R. SWAMI:—" May I know whether it is not a fact that several visitors have remarked that the cooking should not be done in iron vessels? "

THE HON. DR. P. SUBBARAYAN:—" I am not aware of it."

SRI KALA VENKATA RAO:—" Does the Hon. Minister know that in South Indian homes iron vessels are not used for cooking? "

THE HON. DR. P. SUBBARAYAN:—" I believe brass vessels are generally used; but iron vessels also can be used."

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Reasons, if any, for not using hand-pounded rice in all the jails.

* 98 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(*a*) whether hand-pounded rice is used in all the jails at present; and

(*b*) if not, why not?

The Hon. Dr. P. SUBBARAYAN:—" (*a*) The answer is in the negative.

(*b*) The question is under consideration."

Sri K. V. R. SWAMI:—" Will the Hon. Minister, after listening to the statement made by the Minister for Health, at least now see to it that hand-pounded rice is used in all the jails? He always says, 'I am considering, I am considering.' " (Laughter)

The Hon. Dr. P. SUBBARAYAN:—" I have already said that the question is under consideration."

Sri G. KRISHNA RAO:—" May I know if the Government have under consideration any proposal to make women prisoners do the hand-pounding? "

The Hon. Dr. P. SUBBARAYAN:—" As a matter of fact, hand-pounding of rice is going to be done by the women prisoners of the Vellore jail. Male prisoners will also have to do this work."

Sri G. KRISHNA RAO:—" Will that be found a proper occupation for male prisoners, to hand-pound rice, when they go back as free men? "

The Hon. Sri C. RAJAGOPALACHARIAR:—" The hon. Member should know that men and women are in different jails and not in the same jail."

Sri T. N. RAMAKRISHNA REDDI:—" Are not the Government aware that cooking done in sparked water is very good for health, and if that is so, why have they not introduced it in jails? "

The Hon. Dr. P. SUBBARAYAN:—" I am afraid that question does not arise."

Sri KALA VENKATA RAO:—" He refers to cooking in 'sparked' water, Sir."

The Hon. Dr. P. SUBBARAYAN:—" There again, there is no question of cooking of food in this question."

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Introduction of hand-spinning and hand-weaving in all the jails in the Presidency.

* 99 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(*a*) whether hand-spinning and hand-weaving that have been introduced in the Presidency Jail for Women in Vellore have proved a success; and

(*b*) if so, whether the same will be introduced in other jails?

The Hon. Dr. P. SUBBARAYAN:—" (*a*) The industries are still in the experimental stage there and no conclusions have yet been reached.

" (*b*) Hand-spinning has been introduced in the adolescent section of the Central Jail, Vellore. Hand-spinnig and hand-weaving have been introduced in the Central Jail, Cannanore."

Sri K. V. R. SWAMI:—" My question is whether the Hon. Minister would not introduce it in other jails, seeing that people are spending their time idly."

The Hon. Dr. P. SUBBARAYAN:—" I am afraid I cannot accept the remark that they are idle."

Sri K. V. R. SWAMI:—" May I ask the Hon. Minister whether he has been to any jail or whether he has seen that they are idle or doing any work there at all? "

The Hon. Dr. P. SUBBARAYAN:—" I have visited a number of jails and seen what is happening there."

Sri K. V. R. SWAMI:—" What is the percentage of people that are put to work? "

Mr. SPEAKER:—" All persons that are fit for work must be put to work."

Classification of prisoners in jails.

* 100 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(*a*) the number of ' A ' class and ' B ' class convicts now in jails; and

(*b*) whether the Government propose to have a separate class for political prisoners?

The Hon. Dr. P. SUBBARAYAN:—" (*a*) On the 1st August 1939, there were 5 ' A ' class prisoners and 56 ' B ' class prisoners.

" (*b*) The answer is in the negative."

Duties of Agricultural Demonstrators.

* 101 *Q.*—Sri K. VENKATAPPAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state what the duties fixed for Agricultural Demonstrators are?

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THE HON. SRI V. I. MUNISWAMI PILLAI :—" The attention of the hon. Member is invited to the answer to clause (b) of starred question No. 641 answered on 30th March 1938."

Reduction of the rate of grazing fees in Forest Panchayats.

* 102 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether all or any of the forest panchayats have reduced the grazing fees by 50 per cent as the Government have done; and

(b) if not, why not?

THE HON. SRI V. I. MUNISWAMI PILLAI :—" (a) The hon. Member's attention is invited to the answers to starred question Nos. 280 and 703 given on 30th November 1938 and 20th February 1939, respectively. Many panchayats have reduced the rates, the percentage of reduction varying from 16 to 50.

" (b) This does not arise."

SRI K. V. R. SWAMI :—" May I ask whether the Hon. Minister will ask other panchayats to reduce the rates? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" It is left to the panchayats themselves to reduce the rates."

SRI K. V. R. SWAMI :—" In cases where the panchayats cannot afford to reduce the rates will the Government see that they are reduced? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" The budgets are prepared by the panchayats themselves and they know whether a reduction is required or not."

SRI T. N. RAMAKRISHNA REDDI :—" Are the Government aware that circulars have been issued to certain panchayats saying that the panchayats should not reduce their rates? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" I am not aware of such a thing."

SRI T. N. RAMAKRISHNA REDDI :—" If the Government are aware of any such cases, are they prepared to issue circulars to the panchayats that they are entitled to reduce the rates? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" If the cases are brought to the notice of the Government, then we can consider them."

SRI T. N. RAMAKRISHNA REDDI :—" Are the Government prepared to reduce their share of contribution to the panchayats if the panchayats are prepared to reduce the grazing fee? "

THE HON. SRI V. I. MUNISWAMI PILLAI :—" It is a question which the Government have not yet decided."

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SRI G. RANGIAH NAYUDU:—" May I know, Sir, if the forest panchayats are conducted properly by the members of the panchayats? "

MR. SPEAKER:—" Mr. Rangiah Nayudu's question is not a supplementary question. The question is not about forest panchayats but about the reduction of grazing fee. All questions relating to forest panchayats will not be supplementary to the question of reduction of the grazing fee."

SRI T. N. RAMAKRISHNA REDDI:—" Is it not a fact that the Government when they reduced their grazing fees for the reserved forests, required that when the contract is over the panchayats should reduce their grazing fees? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" When the grazing fees were reduced the panchayats were told that the Government will have no objection to their reducing the fees."

SRI G. RANGIAH NAYUDU:—" What are the principles governing the fixation of the rates of grazing fees? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" It depends upon the extent and other features of each forest panchayat."

SRI T. N. RAMAKRISHNA REDDI:—" If the forest panchayats are prepared to reduce grazing fees during the term of the contract, are the Government prepared to reduce the contribution to them? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" The Government are unable to accept that responsibility, Sir."

Manufacture of paper from ecta grass available in the Tinnevelly district.

* 103 *Q.*—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state the stage at which the examination of the question of the suitability of ecta grass in the Tinnevelly district and the availability of sufficient quantity thereof for starting a paper mill in connexion with the Papanasam Hydro-electric Project, is at present?"

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" The attention of the hon. Member is invited to the paragraph on ' Paper Manufacture ' at page 50 of Mr. Green's note on ' The Economic Resources of the Province of Madras and Possibilities of their development,' a copy of which is available in the Library of the Madras Legislature for reference. Sufficient quantity of ecta grass considered suitable for the manufacture of paper is available in the Tinnevelly area for the establishment of a paper industry."

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Sri K. V. R. SWAMI:—" May I ask whether the Government will take any steps to have it manufactured by hand as a cottage industry? "

Sri B. S. MURTI:—" The Government are encouraging hand-made paper industry."

Sri K. V. R. SWAMI:—" I am asking about this particular case. I am not asking a general question."

Sri B. S. MURTI:—" The Government will consider the suggestion."

Sri S. NAGAPPA:—" In view of the answer of the Parliamentary Secretary, may I not ask him to supply the members with a copy of the book which is available in the Library, so that we can all know what is contained in it? "

Sri B. S. MURTI:—" Copies of Mr. Green's note on 'The Economic Resources of the Province of Madras and Possibilities of their development' are available, Sir, in the Government Press and those who are desirous of knowing the contents may purchase them."

Sri K. V. R. SWAMI:—" Have we to pay for it? "

Sri S. NAGAPPA:—" Every member of the House is interested in it. Cannot copies be supplied to all members free of cost? "

Sri B. S. MURTI:—" The request will be considered, Sir."

Orders, if any, passed by the Government on the proposals to devise improved appliances in the Industrial Engineering Workshop.

* 104 *Q.*—Sri K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether proposals to open a separate section in the Industrial Engineering Workshop to conduct experiments in connexion with the devising of improved appliances have been formulated and submitted to the Government; and

(*b*) if so, whether the Government have passed any orders?

Sri B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (*a*) The answer is in the affirmative.

" (*b*) The proposals will be considered in connexion with the budget for 1940–41."

Sri K. V. R. SWAMI:—" What will be the approximate cost, Sir? "

Sri B. S. MURTI:—" The proposals have not been submitted by the Director as yet. Therefore, it is not possible to give the probable cost."

Sri K. V. R. SWAMI:—" Will the information be called for, Sir? "

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—NON-OFFICIAL BUSINESS.

(A) Bills.

(1) THE MADRAS PROHIBITION OF RACES NEWS PUBLICATION BILL, 1939—*concld.*

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Mr. Speaker, I was saying yesterday that this evil of betting on horses in what are called 'bucket shops' has spread so widely not only in the city but throughout the Presidency that it is an urgent necessity that the Government should devise ways and means of putting it down. I said yesterday that the police have been trying their best under the existing law to put down this evil as much as possible. But however much they might try to do so, on account of the defect in the existing law they have not been able to suppress it altogether. Therefore, I believe the only remedy which can effectively suppress this evil is to put a stop to all publications relating to horse races.

" So far as the attitude of the Government is concerned, I wish to draw their attention to the fact that they have undertaken to introduce Prohibition throughout the Province, at any rate, district after district, for the simple reason that the drink evil is endangering the lives and livelihood of a large number of people. If the drink evil is dangerous, immoral and economically unsound—I believe it affects only a certain class of people—so far as this pernicious evil of betting on horses is concerned, I could boldly state that this evil is so wide that it encompasses a larger number of people. People sell even their wearing apparel for the sake of betting on horses. When drink is considered to be an evil, betting under very questionable circumstances, I mean in the bucket shops which are not penalized, is a far worse evil.

" I might state here that it is not my object in this Bill in any manner to interfere with horse races. I believe, even if this Bill becomes law, horse-races can go on in race courses and those who can afford can carry on their amusement and entertainment without any adverse effect coming from this Bill whatsoever. What is sought to be done is to prevent betting on horses. As a matter of fact, what is happening to-day is races might take place in any part of the country and yet betting goes on in the city and other parts of the Province. I want that to be prevented by penalizing the publication of race news. I do not wish to prevent the publication of news regarding race engagements. For instance, during the racing season in Guindy, newspapers can publish the days on which races take place. The only thing that I wish to prevent is publication, either in pamphlet form or in newspapers, of what are called handicaps, scratches and the result relating to races. If these things are not published, I am sure that to a very large extent this evil will be put down.

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" Apprehension is entertained that a thing like the news regarding Derby races might also not be allowed to be published in any newspaper. I feel, Sir—I do not know whether Derby races have anything to do with India—that if news regarding Derby races is to be published, we can so limit the scope of the Bill as to prevent the publication of news so far as racing in this country is concerned. Derby news can be published.

" The other thing that I wish to state here is that it will be ibsolutely useless if newspapers are given the freedom to publish iny news connected with horse-racing. You may penalize hand-)ills giving information; you may penalize any other method of)ublication; but if you are not going to penalize newspapers for)ublishing these news, you may as well give up this legislation. ?or, newspapers will be bought by everybody and newspapers will ertainly convey news from person to person and in that manner he evil will go on and we will not be in a position to suppress hat evil. We know that by the Prohibition Act we have set an mbargo on newspapers publishing liquor advertisements. They annot publish any seditious things; they cannot publish anything hat will go against or offend section 121-A of the Criminal Pro-edure Code. They cannot publish anything which will bring bout communal or racial hatred. So newspapers are not free to ublish anything they like. The law prevents them from publish-ng certain things. Sir, in the same manner newspapers can be alled upon not to publish news relating to horse-races. I know t will affect their revenues, but certainly they are patriotic eople. Newspapers are as anxious as anybody else that people hould not suffer on account of the spread of this evil.

" I shall have absolutely no objection to give up the Bill, if ie Government themselves want to bring forward an official ieasure. If they are prepared to bring forward a Government ieasure in substitution of this measure, I would request them not give up penalizing of publication in newspapers. If they are)ing to allow the newspapers to publish these news, it will not e an effective remedy to put down this widespread evil. The pub-cation of race news has been responsible for ruining a number f families and for many a suicide, and such an evil should be ut down by a Government who believe in Prohibition and mea-ires for the betterment of the economic condition of the people this Province. I hope, Sir, the Hon. the Minister in charge the subject will not oppose this Bill for the simple reason that is intended to put down an evil and to suggest an effective medy by which the evil could be put down."

* THE HON. DR. P. SUBBARAYAN :—" I am grateful to the n. Member representing the Muslim constituency of the City of adras for the elaborate explanation he has given to his Bill. ut in spite of the appeal made at the end of his very able eech, I am afraid I must oppose the measure, because I feel

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that it goes too far in certain respects and is too restricted in certain other respects. The Government have got a measure of their own. I am in sympathy with the hon. Member's move to try and get rid of bucket shops. I agree the publication of news, which happens every day in the City, of races from all parts of the world, which leads to the bucket shops thriving, should be put down. The Government have got a measure of this kind under contemplation and I hope to be able to introduce it during the next session of the Assembly. That Bill will not have the faults that I have mentioned. For instance, as the hon. Member himself admitted, newspapers cannot themselves publish news about races which happen all over the world. He compared it as an analogy to the prohibition of advertisements on liquor traffic. This does not stand in the same relation as that. Those are only purveyors of news and not advertisements at all. The newspapers that give such news are not paid for giving the news. It is news of importance which the public want to know. Things like the results of Derby to which the hon. Member referred, people all over the world want to know. Those who are interested in racing are interested in getting news. The news about the winner in the Derby, for instance, does interest me personally. There are Members of this House who are as much interested in this as I am. Therefore I do not think we can object to the newspapers publishing these news. For these reasons I must oppose the measure introduced by the hon. Member. I would request him not to press his motion."

5 The motion was put and declared lost. A poll was demanded
l. and the House divided thus:—

Ayes.

1 Kumararaja Muthiah Chettiyar of Chettinad.
2 Rao Bahadur Sir A. T. Pannir Selvam.
3 Khan Bahadur Mahmud Schamnad Sahib Bahadur.
4 Abdul Hameed Khan Sahib Bahadur.
5 Abdur Rahiman Ali Rajah, Arakal Sultan.
6 Sri Adimoolam Jamedar.
7 K. Abdur Rahman Khan Sahib Bahadur.
8 H. S. Hussain Sahib Bahadur.
9 Sri B Bhaktavatsalu Nayudu.
10 ,, Diwan Bahadur A. Appadurai Pillai.
11 V. S. T. Shaik Mansoor Tharaganar Sahib Bahadur.
12 S. K. Shaik Rowther Sahib Bahadur.
13 D. Syed Ibrahim Sahib Bahadur.
14 Mir Akram Ali Sahib Bahadur.
15 Sri J. Raja Rao.
16 Shaik Muhammad Laljan Sahib Bahadur.
17 Mahboob Ali Baig Sahib Bahadur.
18 M Ahmed Batcha Sahib Bahadur.
19 Sri Grandhi Venkata Reddi.
20 Zamindar of Bodinayakkanur.
21 Sri R. M. Palat.
22 ,, G. Krishna Rao.
23 Dr. M. J. Samuel.
24 Mrs. Khadija Yakub Hasan.
25 Sri Kalluri Subba Rao.
26 ,, K. V. R. Swami.

Noes.

1 The Hon. Sri C. Rajagopalachariar.
2 ,, Sri T. Prakasam.
3 ,, Mr. Yakub Hasan.
4 ,, Dr. P. Subbarayan.
5 Srimathi A. Rukmini Lakshmipathi.
6 Sri A. Kaleswara Rao.
7 ,, T. Viswanatham.
8 Ahmed Thambi Muhammad Mohideen Maracair Sahib Bahadur.
9 Sri P. M. Adikesavulu Naicker.
10 Srimathi G. Ammanna Raja.
11 Sri B. Anantachar.

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Noes—cont.

12 Sri V. J. Gupta.
13 „ S. Guruvulu.
14 „ K. Ishwara.
15 Srimathi Anjalai Ammal.
16 Sri N. Annamalai Pillai.
17 Mrs. Jebamony Masillamony.
18 Sri A. Jogi Nayudu.
19 „ D. Kadirappa.
20 „ Kala Venkata Rao.
21 „ Y. V. A Bhaskara Rao.
22 „ V. Bhuvarahan.
23 „ K. Kamaraj Nadar.
24 „ E. Kannan.
25 „ K. R. Karant.
26 „ A. Karunakara Menon.
27 Dr. A. Chandoo.
28 Sri K. Chandramouli.
29 „ G. Chelvapathi Chetti.
30 „ O. Chengam Pillai.
31 „ K. Kolandavelu Nayanar.
32 „ S. Krishnan.
33 „ G. Krishnamurti.
34 „ P. Chinnamuthu.
35 „ T. S. Chokkalingam Pillai.
36 „ M. P. Damodaran.
37 „ L. Krishnaswami Bharati.
38 „ P. S. Kumaraswami Raja.
39 „ M Doraikannu.
40 „ C. K. Govindan Nayar.
41 „ V. Kurmayya.
42 Srimathi A. V. Kuttimalu Amma.
43 Sri P. Lakshmanaswami.
44 The Hon. Sri V. I. Muniswami Pillai.
45 „ V. V. Giri.
46 „ S. Ramanathan.
47 „ B. Gopala Reddi.
48 „ C. J. Varkey.
49 Sri A. Vedaratnam Pillai.
50 „ N. S. Varadachari.
51 „ B. S. Murti.
52 „ M. Bapineedu.
53 „ M. Bhaktavatsalam.
54 „ M. G. Natesa Chettiyar.
55 „ C. Obi Reddi.
56 Srimathi V. Lakshmi Ammal.
57 „ K. Lakshmi Ammal.
58 Dr. N. Lakshmi Devi.
59 Sri P. Madhavan.
60 „ V. C. Palaniswami Goundar.
61 „ M. Pallam Raju.
62 „ R. S. Manikkam.
63 „ M. Marimuthu.
64 „ R Maruthai.
65 „ C. R. Parthasarathi Ayyangar.
66 „ P. Pedda Padalu.
67 P. K. Mohideen Kutty Sahib Bahadur.
68 Muhammad Abdur Rahman Sahib Bahadur.
69 Sri U. Muthuramalinga Tevar.
70 „ K. Periaswami Goundar.
71 „ M. P. Periaswami.
72 „ V. R. Perumal Chettiyar.
73 „ A. Pl. N. V. Nadimuthu Pillai.
74 „ S. Nagappa.
75 „ B. Perumalla Nayudu.
76 „ S. Nagiah.
77 „ D. L. Narasimha Raju.
78 „ P. L. Narasimha Raj.
79 „ R. B. Ramakrishna Raju.
80 „ C. Narasimham
81 „ V. V. Narasimham.
82 „ D. Narayana Raju.
83 „ K. V. Narayana Rao.
84 „ T. N. Ramakrishna Reddi.
85 „ D. Ramalinga Reddiyar.
86 „ D. V. Ramaswami.
87 „ K. S. Ramaswami Goundar.
88 „ N. G. Ramaswami Nayudu.
89 „ V. S. R. M. Valliappa Chettiyar.
90 „ K. Varadachari.
91 „ A. Rami Reddi.
92 „ N. Ranga Reddi.
93 „ G. Rangiah Nayudu.
94 „ G. Venkanna.
95 „ C. Venkata Reddi.
96 „ Gopavaram Venkata Reddi.
97 „ K. Ramakotiswara Rao.
98 Mr. J. L. P. Roche Victoria.
99 Sri K. Saktivadivelu Goundar.
100 „ E. M. Sankaran Nambudripad.
101 „ B. Venkatanarayana Reddi.
102 „ P. R. K. Sarma.
103 „ L. Sattanatha Karayalar.
104 „ B. T. Seshadri Achariyar.
105 „ K. Shanmugam.
106 „ S. C. Venkatappa Chettiyar.
107 „ R. Venkatappa Nayudu.
108 „ P. Venkatarama Ayyar.
109 „ H. Sitarama Reddi.
110 „ J. Sivashanmugam Pillai.
111 „ R. S. Venkataramiah.
112 „ R. Venkatasubba Reddiyar.
113 „ P. S. Srinivasa Ayyar.
114 „ M. Subba Rao.
115 „ Karunakaram Subba Rao.
116 „ V. Venkatasubbayya.
117 „ K. P. Yagneswara Sarma.
118 „ N. M. R. Subbaraman.
119 „ C. P. Subbiah Mudaliyar.
120 „ A. Subramanian.
121 Mr. G. H. Hodgson.
122 Sri T. T. Krishnamachariar.
123 Mr. G. E. Walker.
124 Swami A. S. Sahajanandam.

Ayes 26. *Noes* 124. *Neutrals* Nil.

The motion was lost.

(2) THE MADRAS LOCAL BOARDS AND DISTRICT MUNICIPALITIES (SECOND AMENDMENT) BILL, 1939.

SRI KALLUR SUBBA RAO:—" I do not move for leave to introduce the Bill, Sir."

(B) Resolution.

30 PROTEST AGAINST THE RESERVATION OF CERTAIN SPECIFIED POSTS IN
a. THE PROVINCES FOR MEMBERS OF THE INDIAN MEDICAL SERVICE.

* SRI T. T. KRISHNAMACHARIAR:—" Mr. Speaker, I move—

'*That this Assembly recommends to the Government to convey to the Secretary of State for India that, in the opinion of this Assembly—*

(i) the recent orders issued by the Secretary of State for India reserving certain specified posts in the Provinces to officers of the Indian Medical Service are contrary to the spirit of Provincial Autonomy, nor are they in conformity with the principles of equity and efficiency;

(ii) the rights reserved by the Secretary of State for India in regard to members of the Indian Medical Service and even in regard to the details of their postings and the duties to be carried out by them, are entirely contradictory to the essential principles of autonomy which the Provinces are supposed to enjoy; and

(iii) the extension of protection of rights to officers recruited subsequent to 1928 and particularly to those who joined after 1931 and who have already had sufficient warning and notice in regard to the changes in the administration in India, is wholly unjustified and is in direct contravention of the spirit of the constitution;

and that these orders should therefore be revoked at once.'

" Sir, the resolution, as the House will find, is pretty comprehensive. It states the position fully and the need for a resolution on the lines indicated. The immediate provocation for my moving this resolution was provided by the republication in the *Fort St. George Gazette* of a notification issued by the Government of India, dated 4th May, containing the rules made by the Secretary of State in regard to I.M.S. (Civil Branch Reserve Posts) on 29th March 1939.

" To any student of Indian constitutional law, the position afforded to the I.M.S. Civil Branch by the Government of India Act of 1935, provides an interesting study, but as it is not always possible to consider constitutional problems in the abstract for any person belonging to a subject race, the position of the I.M.S. Civil Branch amongst the Indian services is one that rouses deep

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feelings of resentment, apart from the fact that it exposes the hollowness of the autonomy assured to us—at any rate in the Provinces—by the Government of India Act.

"I would, Sir, if you would permit me, state the bald facts at the outset, the history behind these facts, and make a few comments towards the end, as to how these facts shatter the fond ideas that we may have in our mind that we are an autonomous Province subject only to the necessary restrictions which the fact that we are to be a unit in a Federal structure, will impose on us.

"The particular notification that I referred to seeks to implement the powers granted to the Secretary of State under sections 246 and 250 of the Government of India Act and specifies the posts to which I.M.S. men should be appointed in the Provinces, the stations to which they should be posted and the number amongst them that must necessarily be British officers. They are divided up into three schedules.

"The first schedule refers to those posts which are to be held by British I.M.S. officers for all time to come and these are 15 in number. There is also an obligation on the part of the Provincial Government to keep an adequate supply of reserve officers of the same community to provide for leave and other contingencies which, I believe, is 27½ per cent of the permanent strength. There is also an obligation under this schedule to provide for seven Indian officers of the I.M.S., but in view of the fact that it has been definitely laid down that no further transfers will be made from the Military department to the Civil Branch of Indian officers, this is not of serious import. In fact the position of Indian officers in the I.M.S. is really deplorable as nobody wants them; but this is only by the way.

"The second schedule gives a list of posts reserved for officers who were in civil employment on the 10th May 1928 and these count six.

"The third schedule is the list of officers who were in civil employ on 1st April 1937 and these count ten.

"With regard to the sacredness attached to these dates, I shall refer to it later on, but it should be remembered that these posts specified in all the schedules excepting the seven posts reserved for Indians, should be filled in by I.M.S. men—the civil surgeoncies and specialists' posts mentioned in list (1) should be manned by I.M.S. men.

"In regard to the lists (2) and (3), it is said that when these officers that hold the posts retire by efflux of time, a few of them can be thrown open to the Provincial Medical Service; but the

claim of the I.M.S. for posts in lists (2) and (3) will only disappear entirely when there are no I.M.S. men in service in India who have either been in civil employment on the 10th May 1928 or on the 1st of April 1937. That is, until the present generation of I.M.S. men in India is wiped out, the lien of the I.M.S. to most of the appointments in lists (2) and (3) will hold good. This will require a little more elucidation and I will come to it later.

"The first and the most glaring anomaly in this arrangement by which the Secretary of State through the Government of India prescribes to Provincial Governments as to what offices should be held by the I.M.S., is that the Surgeon-General of a Province, the head of the Medical Department and, in a way, the Public Health Department also is not the appointee of the Provincial Minister for Public Health. The officers who are chosen as Surgeons-General for the provinces are amongst a class of specially selected administrative officers; and, if my information is correct, previous consultation with the Provincial Government by the Government of India in regard to the selection of an officer for this post in any particular province is not obligatory. Two other appointments from amongst the I.M.S. to fill in places of heads of departments in the provinces are the Director of Public Health and the Inspector-General of Prisons. The Provincial Government are willy-nilly tied down to the I.M.S. for choosing their heads of departments for these two, and in the case of the Surgeons-General, they have little scope for choice. I do not intend to dilate on this point further, but it would only be right to say here that the discretion as to the qualifications and equipment of the heads of departments must be vested in the Provincial Government. Circumstances may arise when the Provincial Government may choose to appoint an administrative officer for one of these three posts instead of a scientific man. There seems to be very little reason why the Inspector-General of Prisons should be an I.M.S. man and it is quite on the cards that an administrative officer might be able to function quite as efficiently as either the head of the Medical or the Public Health Department.

"Sir, my first charge against the enforcement of this arrangement by the Secretary of State is: what is Provincial Autonomy worth if the Minister concerned cannot set his house in order? He has to take in the officer forced on him as Surgeon-General. I would like the House to remember here that the Surgeon-General has got a dual capacity, having to look after two directly conflicting interests. He is the protector of the I.M.S. and to that extent the enemy of the interests of the Provincial Medical Service—himself being an I.M.S. man, we

know where his bias will be. He is also the subordinate of a Provincial Minister but owes no allegiance to him, as he owes his appointment to the Government of India and is sufficiently entrenched in his position. It may in practice not happen but it is quite possible that a recalcitrant Surgeon-General can snap his fingers at the Provincial Minister. I for one would not like to be in the position of my Hon. Friend sitting over there.

"Sir, let me advert to the history behind these facts. One has got to go as far back as 1924, to the time of the Lee Commission. The Lee Commission notwithstanding the liberal mood they were in towards the European element in the services in India which prompted them to distribute largesses freely from the Indian Exchequer, however, had the saving sense to recommend that European recruitment to certain services should be stopped. These services were largely those which at that time were under the control of the Indian Ministers under Dyarchy. The Educational Service, the Veterinary, the Agricultural and the Civil Branch of the Medical Service amongst others were recommended by them to be provincialized. I would like the House to remember, Sir, that in regard to this recommendation not to perpetuate the existence of the Civil Branch in the Indian Medical Service, a howl was raised by the British Medical Association and it is significant what an important part it plays not only in the destinies of their own country but also in the destinies of countries overseas. While the recommendations of the Lee Commission in regard to other services were accepted, the Civil Branch of the Indian Medical Service continued to exist as a result of this howl. It is no concern to us here in Madras if what they say is true, viz., that the British Medical Association is almost an *imperium in imperio* so far as the British democracy is concerned; but we only want to be left alone.

"The question again came up in the first Indian Round Table Conference; a Services Sub-Committee was formed amongst the distinguished members of which was the present Secretary of State. The discussion of the Services Sub-Committee in regard to the continuance of the Civil Branch of the I.M.S. provides very interesting reading. It must be said to the credit of the Indian members there, composed as they were of various shades of political opinion in India, that they stuck to a man for the abolition of the Civil Branch of the I.M.S. But, Sir, what is more significant is that Lieut.-Col. (now Sir) Henry Gidney, an I.M.S. man himself, who could not be accused of pronounced leanings towards Indian nationalism, stood up and fought hard for the Provincial Medical Service and for the abolition of the I.M.S. Civil Branch. He categorically

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demolished the theory of the superiority of the I.M.S. and the need for maintaining its Civil Branch by saying in his speech at that time that the one department that could be most conveniently provincialized was the Civil Branch of the I.M.S. Lord Zetland who was a member of that Committee pleaded hard for the continuance of this Civil Branch of the I.M.S. and laid stress on the two reasons why it should be done. One was the advantage of the employment of surplus military doctors who are required in times of war, in a civil capacity during the time of peace. The other one was the concession to the prejudice in the minds of the European element of the Superior Services in India and their families to be treated medically by anybody other than a British officer which results in the obligation to maintain a certain number of British medical men all over the country. Much was made of both these factors from that time onwards
45 and other causes have been added to it, but I will revert to this
n. later. It is not surprising that Lord Zetland adheres to this view still. Nevertheless, the Services Sub-Committee recommended to the Round Table Conference that in future there should be no Civil Branch of the Indian Medical Service and that no civil appointments either by the Government of India or the Provincial Governments should thenceforward be listed as being reserved for Europeans as such. A suggestion was made for providing medical officers for appointment in times of war by recommending that the Provincial Medical men should undergo military training and render military service when called upon to do so. In fact, I think a portion of this recommendation has been accepted by Provincial Governments and it is laid down as an essential condition of entry into the Provincial Medical Service that these officers should be ready to do military duty when called upon to do so. Be it noted that Lord Zetland and another European gentleman voiced their dissent from this view of the Services Sub-Committee. Again the British Medical Association came to the stage when protests of vested interests both in India and in Britain resulted effectively in the turning down of the Services Sub-Committee's recommendations in respect of the Civil Branch of the Indian Medical Service in the White Paper issued at the close of the Round Table Conference. In the Joint Select Committee stage when Sir Samuel Hoare was examined, this matter cropped up again. Sir Samuel Hoare mentioned that the matter was the subject of correspondence between the Government of India and the Secretary of State at the time but his own mind was made up. The reasons adduced were those identical to what Lord Zetland stated in the Services Sub-Committee. I would like, if I am not taking up the time of the House, to refer to the query raised by Sir Muhammad Zafrullah Khan. He put a categorical question whether it was

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proposed that the Secretary of State should have power to continue to prescribe and force the Province to employ a certain number of these Indian Medical Service officers in civil employments, and the answer was in the affirmative. This significant statement was made by Sir Samuel Hoare in regard to a categorical question whether this was consistent with the Special Department being 'transferred' under the constitution, and he said that the control exercised by the Secretary of State over the Civil Branch of the Indian Medical Service both in regard to recruitment and the number of officers to be employed was consistent with his idea of Provincial Autonomy.

"The Joint Select Committee in paragraph 299 have, as it were, provided the Magna Carta for the Civil Branch of Indian Medical Service. Again, if I am not taking the time of the House, I should like to read that paragraph, the last sentence of which is pregnant with meaning. This is what the Report says:

'Under existing arrangements there is no direct recruitment for the Indian Medical Service (Civil). Vacancies are filled from among officers appointed to the Indian Medical Service who have had a period of military duty. We note the view expressed in the Report of the Services Sub-Committee of the First Round Table Conference that there should in future be no Civil Branch of the Indian Medical Service, and that the Civil Medical Service should be recruited through the Public Service Commissions. The Sub-Committee however added that the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and British officials in India, and should take steps to recruit an adequate number of European doctors to their respective Medical Services and to offer such salaries as would attract a good type of recruit. We are however convinced on the information supplied to us that the continuance of the Civil Branch of the Indian Medical Service will provide the only satisfactory method of meeting the requirements of the War Reserve and of European members of the Civil Services, and that it will be necessary for the Secretary of State to retain the power which he at present possesses (although medical matters have since 1920 been under the control of Ministers) to require the Provinces to employ a specified number of Indian Medical Service officers. In making these recommendations we have not been unmindful of the natural desire of the Provinces to develop Medical Services entirely under their own control. But the requirements of the Army and of the Civil Services have an overriding claim.'

The last sentence in this paragraph of the Joint Parliamentary Committee Report is pregnant with meaning. It only means that if there is a conflict between the grant of real Provincial Autonomy and the claims of the Army and the Civil Services, the requirements of the Army and the Civil Services have an overriding claim. Consistent with this recommendation, Part X of the Government of India Act was framed. Sections 244 to 263, which cover the general relations of the Services with the Executive of the Provincial Governments and the Central Government, provide for the fullest scope for the Secretary of State's interference in every detail concerning the Services besides leaving the recruitment in his hands.

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" In order to implement the views expressed in paragraph 299 of the Joint Parliamentary Committee Report the Government of India appointed a senior official on special duty to consult Local Governments and the Defence Department and carry on the correspondence with the Secretary of State ultimately to formulate a scheme in regard to the strength of the Indian Medical Service in India both in the Centre and in the Provinces. The result of this official's efforts was a resolution of the Defence Department of the Government of India, dated 25th March 1937, dealing with both Civil and Military establishments of the Indian Medical Service. But we are only concerned with the civil portion of it. This resolution re-states the position for the need for maintaining a particular strength under the Civil Branch of the Indian Medical Service and lays down the strength at which the Civil Branch should be maintained. It states the number of officers who will be British and those who will be Indian, it gives the strength which will constitute the War Reserve as well as the number of officers who will form the residuaries and finally divides up the officers between the provinces and the Centre. It was stated in the resolution that the final rules will be made by the Secretary of State for India.

" The press communiqué issued simultaneously is rather cleverly worded. It states that the main object of the Government of India and the Secretary of State by means of a resolution was to reconcile as far as possible the natural and legitimate desire of the Provinces to exercise complete autonomy in this field, together with the provision of an Army reserve as well as the provision for attendance on the British officers in the Superior Civil Services. The communiqué stated that the two latter objects in any form might ordinarily be held to derogate to some extent from complete autonomy of the Provinces. It was emphasized further that in view of the fact that the Provinces had an interest in the requirements of all-India defence and as the Provinces were estopped from raising any constitutional objection for providing medical attendance to the British element in the Services, since it has been conceded and recognized that the British element in the Services must be maintained, this infringement on the powers of the Provincial Governments could not seriously be objected to. The communiqué further stated *inter alia* that the extent of the British recruitment should in future be based on the actual requirements and not on a predetermined ratio of British and Indian officers, because of the fact that a large number of qualified Indian doctors in private practice are available in India while there are very few such British doctors. It followed that the War Reserve must be composed mainly of British officers—a definite indication that the Government of India

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are not concerned with regard to provision of civil employments for the Indian section of the Indian Medical Service. Obviously as a matter of grace, the communiqué further said that the future of the Indianization in the Civil Medical Service must therefore be looked for in the Provincial Services by throwing open to these services the appointments that were then held by the Indian Medical Service, subject to the maintenance of the minimum of the Indian Medical Service officers already laid down in the resolution. This could only be achieved when all the officers in India who were in civil employ on the 10th May 1928 and those who were in civil employ on the 1st of April 1937 have disappeared.

"It is, however, a matter of some consolation that two years were allowed to elapse since the resolution of 25th March 1937 before the final rules were issued by the Secretary of State on the 29th March 1939, to which I referred in my speech earlier. But I do believe that, if my information is correct, the Government of India have not been inactive in the meantime; they have been sending a regular stream of Indian Medical Service officers into the Provinces all the time. As one could see from the appointments notified in the *Fort St. George Gazette*, the key positions were being slowly occupied by the Indian Medical Service in terms of the resolution of the Government of India of the 25th March 1937 and the junior specialists were coming in. Now on the top of it after two years, come the Secretary of State's rules in the final form. There is only one difference between the resolution of the Government of India of 25th March 1937 and the present rules—that in the Second Schedule of the rules, two appointments have lapsed, one being the Surgeon of IV District, Madras, and the other being the Assistant Director of the King Institute. Sir, the position is this. Eight civil surgeoncies enumerated in the rules belong to British Indian Medical Service; five civil surgeoncies belong to Indian Medical Service officers by reason of the fact that the posts were held by Indian Medical Service officers on one or other of the sacred dates. There is no question of any overlapping in regard to this, because the station for the Indian Medical Service officer is specified in all cases, except one. Four specialists' posts must necessarily be occupied by British officers; so are the posts of three junior specialists. That leaves eleven other posts taking all the schedules together mentioned above. The Surgeon-General, the Director of King Institute, Guindy, the Director of Public Health and the Inspector-General of Prisons come out of the eleven. Two of these are the appointees of the Government of India. Of the seven remaining, four are Superintendents of Jails. The three other appointments refer to the Superintendent of the Government Ophthalmic Hospital, the Professor of Medicine and the Professor of Surgery in the

Madras Medical College. I do not know if these three appointments could not be fitted in with those prescribed in Schedule 1 and if the officers that are now occupying these three appointments by virtue of the rights accruing to them by their having been in civil employ on one or other of those sacred dates, if they were British officers, could not be reasonably be presumed to fill in the Senior Specialists' posts mentioned in Schedule 1. The net result is that the minimum number of Indian Medical Service men that would have to be kept on, as things are at present, even if these three appointments mentioned above are absorbed in Schedule 1, would be twenty-eight. On the top of it, we have to provide for the seven Indian Medical Service men mentioned in Schedule 1, who if they could be fitted into other requirements of Schedules 2 and 3 will have to be taken into account and then there is the leave reserve of the British officers of four heads, making in all about thirty-nine—I am not quite sure about this; my feeling is that it makes one more or one less.

"Let me first take the question of costs. I must say that the average cost of an Indian Medical Service man is somewhere about Rs. 1,500 a month or Rs. 18,000 a year and the average cost of a Provincial Medical Service man is much less than Rs. 8,000 a year. At the lowest computation of the Indian Medical Service, the Civil Branch of this Province costs nearly 4 lakhs of rupees a year more than what it would cost if the service is provincialized.

.m. "I would like to give a few more facts before going to the arguments. I have said that Schedule 1 to the rules made by the Secretary of State clearly lays down that 26 posts are considered the minimum number that this Province should maintain. Two questions might arise, therefore. One is: Is this fixed and permanent? It is likely that when the seven Indian members of the Indian Medical Service go out, the strength will stand reduced to that extent. There is no guarantee, nothing to prevent the Secretary of State changing his mind and revising the rules. The sections of Part X of the Government of India Act leave his discretion supreme in the matter.

"The next question is: Why then some out of these six posts in Schedule 2 and ten posts in Schedule 3 should not be included among those specified as the minimum of Indian Medical Service officers in the Province in Schedule 1? Obviously some of them cannot be; you cannot include in the officers enumerated in Schedule 1, the heads of departments, the Director of the King Institute and the four Superintendents of Prisons. I do not know if the question has been raised by the Government; if it has been, I do not know what the result is.

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" In regard to the posts reserved for the Indian Medical Service, where the claim arises because of the fact that it was held by an Indian Medical Service man on one of those two sacred dates, the claim, I am afraid, if examined, will not bear scrutiny. 10th May 1928 can conceivably be regarded as the date dividing off the past and the present. While it may be reasonable to say that the interests of officers who occupied a particular post on that date should be protected, it is absurd to extend that protection to the all-India Service as a whole that was in civil employ on that date. Fixing of April 1, 1937 is even more absurd and uncalled for. I would like the House to note the fact that members who entered the Indian Medical Service during and after 1931 were categorically told that they would have no right to be transferred to the Civil Branch. This warning was, I believe, the result of the recommendation of the Services Sub-Committee of the Indian Round Table Conference and the Secretary of State seems to have been less optimistic of his own capacity and that of the British Medical Association to thwart another attempt to wind up the Civil Branch of the Indian Medical Service. The fact remains that those that entered service from 1931 onwards have had warning. Where is the case for recognition of the claims of those that entered service during this period before 1st April 1937, just because of a change in the character of the Governments of the Provinces of India and perhaps of the Central Government? The affording of special protection including pay, station, duty and emoluments for officers who were in civil employ on two arbitrarily fixed dates, particularly when one set of them had full warning of the changes to come, by the Secretary of State, must be condemned in the strongest possible terms. It could only be construed to be an abuse of the wide powers granted to the Secretary of State under the Act for reasons which are quite different.

" Sir, let me state here the reasons for the maintenance of the Civil Branch of the Indian Medical Service as propounded by those in authority so as to draw the attention of the House clearly to them. I am afraid I am taking up the time of the House, but I would ask hon. Members to bear with me because this is a difficult matter and a lot of details have to be gone into. I have already stated that the Marquis of Zetland made two of the reasons clear in the Services Sub-Committee. They are:

(1) the provision of an adequate reserve of medical officers for the Army, and

(2) the obligation on the Government of India to provide for medical attendance within easy reach for the British officers of the Superior Services and their families.

A third reason has since crept in, namely, that opportunity of civil service and the concomitant gains that result from it such as private practice, etc., are absolutely necessary to attract the best

"In regard to this first reason, I do not think that even a layman like myself has any difficulty to dispose of it. Out of the 36 to 39 Indian Medical Service officers in this Province, only 20 are War Reserve, 13 out of the 20 being Britishers, 6 are residuaries who have no chance of being called for military service. The rest, though liable to be called for war duty, are ordinarily not likely to be. It is not likely that the Surgeon-General, worn out in service, so to say, the Director of Public Health and the Director of the King Institute are ever likely to be called for military duty. It would perhaps, if this idea of War Reserve is insisted upon, be fair to say that this Province should be in a position to send not only 20 but if need be several times 20, which is the War Reserve you have provided for. The War Reserve which you have provided for is not at all sufficient. Secondly, I have already stated that I understand that under present conditions of service, every entrant to the Provincial Medical Service must agree to hold himself liable to be called for war duty. An extension of that principle by providing compulsory military service for a period of a year for every Provincial Service man ought to provide ample reserves for Army purposes. I very much doubt if any Provincial Government would be short-sighted enough to refuse to co-operate with the Defence Department of the Government of India in this matter. I dare say the Ministry will have its own say on this aspect of the matter.

"The second reason for which, it is stated, the Civil Branch of the Indian Medical Service is needed, can only be justified by exaggerating the language in which the need is stated rather than on its intrinsic merits. The last sentence of paragraph 299 of the Joint Parliamentary Committee Report is more exaggerated than the rest: 'The claims of the Army and the British Services really override those of the Provinces.' Sir, this is stated in exaggerated language. I believe there cannot be more than about 225 British officers in the Superior Services in this Province. Perhaps it is much less now, because many of them go on leave. Between 35 and 40 per cent of them are in Madras.

(At this stage the Deputy Speaker, Mrs. Rukmani Lakshmipathi, took the Chair.)

"Madam, as these people have a knack of congregating at the headquarters, it cannot be said that the provision for medical attention by British doctors will ever become inadequate. Some of the Indian Medical Service men stick to Madras and they retire here. The railways as long as they are company-managed will keep a sufficient number of European doctors in Madras and in other important stations. The Jewish refugee movement looks like going very far in solving this problem before us; as, after all, if the objection to a doctor is because of his skin, thank God, these Jewish refugees are white and they will fill the bill.

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"Madam, without meaning in any sense to be flippant, I will ask the House to remember that European medical attention is available in Bangalore because of the existence of a cantonment, in Wellington for a like reason, in Trichinopoly because of its being the railway headquarters and in Vizagapatam because of the existence of the Medical College and the port. There will be a Port Health Officer, even if the College is going to be manned by Indian medical men in some remote time to come. If I remember aright, mention was made in the course of the discussion in the Round Table Conference that there is provision for the Government meeting the expenses of transit of the British members of the Superior Services to go to the nearest place where a European doctor is available; and if it is true, between Madras, Bangalore, Wellington, Trichinopoly and Vizagapatam, the Province is fairly well covered; and it may also be stated that Masulipatam, Bezwada, Guntur, Kurnool and Bellary, are not far away from the Secunderabad cantonment.

"The discussion in the Services Sub-Committee on this question resulted in the suggestion that for the purpose of providing medical attention of this type to the British officers in the Civil Services, the Provincial Governments ought to be in a position to arrange with European private practitioners, if such existed, and European missionary doctors by subsidizing them. Surely, if this question of providing medical attendance to British officers by itself stands in the way of the abolition of the Civil Branch of the Indian Medical Service, the Secretary of State can call upon the Provincial Governments to arrange for medical attention on these lines. I do not think any difficulty will be raised by the Provincial Governments.

"But the third and the new reason introduced will hardly stand the test of scrutiny. If the average salary of Rs. 1,500 per month is not attractive enough for service in the Army for the Indian Medical Service man, why should you make the Provinces provide him extra attraction? Pay a couple of hundred rupees more yourself out of the Central Exchequer. If it is said that these Army officers must get experience, open free hospitals round about cantonments and the officers will get the necessary experience without burdening the Provincial Governments.

"I now come to the evil effects of the interference of the Secretary of State in the manner described by me in respect of the Civil Branch of the Indian Medical Service. It makes this Provincial Autonomy unreal. It is gratifying that the Government of India in their press communiqué of 25th March 1937 accepted that this objection was possible, though they whitewashed it. In fact, the control of Provincial Minister on the Indian Medical Service is far less than that exercised by the

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Minister in charge of the Public Department on the Superior Services in general. I do not know if it is correct, but the Hon. the Premier who is in charge of the Public Department must know better. Even the special responsibilities placed on the Governor of a Province in respect of the Superior Services are hardly as oppressive in theory, as the Governor is part of the Executive and perhaps in the actual course of administration he identifies himself with it, and in respect of the other Superior Services the Provincial Executive acts as a whole; whereas in the case of the Indian Medical Service such action is strictly subject to the rules and conditions laid down by the Secretary of State either directly or through the Government of India.

"Reservation of posts limits the prospects for the Provincial Medical Service men. Nowhere has it been stated that the Provincial Service men are not equal to the responsibilities of the specified posts. In this connexion I would like to recall to the House the testimony of Sir Henry Gidney who was himself a member of the Indian Medical Service for over thirty years. He stated that we have got the finest set of people in the Provincial Medical Service, far superior in many cases to the men in the Indian Medical Service. There is no reason therefore for the continuance of the Civil Branch of the Indian Medical Service. It seriously limits the prospects of promotion of the Provincial Medical Service officers, and in a service composed of 144 Civil Assistant Surgeons, 30 or more superior posts made available to them will open up enormous prospects of betterment.

"Reservation of important stations and important positions in headquarters hospitals, with the concomitant opportunities both to augment knowledge and to get enriched by private practice, is a serious disadvantage to the Provincial Service men. It happens that the Indian Medical Service men are often persons possessing the minimum qualifications required for admission to the British General Medical Council and these persons by reason of the fact that they have necessarily to be posted to important positions like a civil surgeoncy or a professorial chair or a physician or surgeon's post in a headquarters hospital, find that the provincial officers serving under them are men with superior university qualifications, not to speak of their being men with greater experience. This would be unfortunate for both the Indian Medical Service officers and their Provincial Service subordinates. It is detrimental to the public who seek medical aid in the hospital, not to speak of its disastrous effects on the morale of the Provincial Medical Service.

5 .m. "A new factor has come into the field by reason of the introduction of the honorary system in the Provincial Medical Department. Further extension of this system has to be at the expense of the Provincial Service and Indian Medical Service men are

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untouched. The economy effected by the introduction of this system appears unreal, if by replacing a Provincial Service man a saving of Rs. 7,500 is sought to be made, while no effort is made to reduce the number of men whose average annual salary is over Rs. 18,000. This really puts the Provincial Government in an awkward position, if any Provincial Medical man raises that question and asserts, 'You are unable to do anything with regard to the Indian Medical Service men who are paid huge salaries.' The Government have to effect other economies in order to support the honorary system.

"In the matter of asking the Provincial men in Government service to give up private practice which, I believe, is now contemplated, it would not be possible for the Provincial Government to ask the Indian Medical Service men to do likewise. As it appears, one of the objects of maintaining the Civil Branch of the Indian Medical Service is to provide them this attraction. The retention of the Civil Branch of the Indian Medical Service in the Provinces interferes with the Government's internal arrangement in matters like this.

"Specified protected posts perpetuate class interests. The very fact that a particular station is sought to be reserved for a European makes us feel the presence of a dominant race and is not conducive to the production of goodwill. I shall give an instance: The Civil Surgeon's post in Trichinopoly is reserved for a European. It strikes me that it is good propaganda to make us feel that we are a subject race. We have to be grateful to them. We cannot go away with the idea that we have got Provincial Autonomy. I have already said what little control the Provincial Government have over the Surgeon-General; the Surgeon-General by reason of his dual capacity as an Indian Medical Service man having charge of the Indian Medical Service interest and as head of the department where Provincial men are serving, is hardly the proper medium for controlling both the Services, the Indian Medical Service and the Provincial Service. In fact, I believe, the transfer of Indian Medical Service men who are on these specified protected posts cannot be effected from one station to another, except to another specified station where the officer concerned will enjoy equal or higher emoluments. It has a serious defect in maintaining the efficiency of the Services. For some reason or other which the Provincial Minister would not like to mention, or even the Surgeon-General for that matter, if they find that an officer of the Indian Medical Service is not competent to discharge the duties of the Superintendent of a headquarters hospital—say Calicut, he cannot be transferred to another station unless some other Indian Medical Service man goes on leave or some vacancy arises, which is reserved for these superior interests. If a certain man is inefficient, the Minister will have to frame

charges against him. It is absolutely impossible to prove that a man is inefficient by making a few complaints against him. I think the procedure for framing charges against a man is extremely difficult and involves a lot of trouble; hardly any Minister would like to raise issues of a far-reaching nature, in trying to frame a charge against an Indian Medical Service man on comparatively small or trivial grounds.

" Sir, I come to the last objection. It is perhaps the most powerful that I have to urge, viz., the case of these Junior Specialists. Three of them find a place in the First Schedule of the Secretary of State's rules. As I said before, many of these Indian Medical Service men are persons with the minimum qualification necessary for registration in the British General Medical Council, a little below our L.M.S. standard or something like the old Apothecary. If such a person comes out to India, the Director-General of Medical Services dumps him on a Province and he is entertained as a Junior Specialist. His general knowledge of Medicine and Surgery is so poor that it is difficult to understand what he is to specialize in. It is said that these Junior Specialists are intended to be trained for the posts of Senior Specialists when those fall vacant and if it happens that a Senior Specialist takes leave within a year after the entertainment of the Junior Specialist, the Junior Specialist then becomes the Senior Specialist. A Licentiate in Medicine and Surgery in Britain drafted into the Indian Medical Service with two or three years' experience gets to be a specialist in a headquarters hospital and takes up a chair in a college as a Professor. What a travesty! What serious risk the Government run in entrusting the health of the public to men, who, if they were Indians, would still be House Surgeons? What benefit will our students get from the teaching given by these Junior Specialists turned Senior Specialists? I consider the Junior Specialist's business as a flagrant instance of the subordination of every claim of a Province in India to Imperial considerations.

" I will only make a passing reference to the Prisons Department. I see the Minister concerned is not here. None of the reasons adduced in favour of the retention of the Civil Branch of the Indian Medical Service on the Medical side in a Province can apply here, and I think the only consideration that should weigh with us before the Indian Medical Service men from this department are turned out, is the claim of the officers who were in this department prior to 1931 when they entered the Indian Medical Service without the warning that they will not have a chance of entry into the Civil Service.

" I have adduced, I think, enough reasons why my resolution should be accepted and a strong protest conveyed to the Secretary of State. To summarize my position, I will say: The Provincial

Government should be entitled in future to make the appointments of Surgeon-General, Director of Public Health and the Inspector-General of Prisons, due regard being given to such officers as are serving in this Province. The protection afforded to the Indian Medical Service must go and the specified posts must be abolished with a proviso, if necessary, that the Provincial Government should take care to post British officers to such places where within reasonable distance European medical assistance is not available to British members of the Superior Services and also that the Provincial Government should, where necessary, subsidize European private practitioners and European mission doctors to provide medical assistance to British officers. I do not know if something like this is done. That is the recommendation of the Services Sub-Committee, and it is worthy of consideration.

" The lien of officers in civil employment on 10th May 1928 and 1st April 1937 should go when the present incumbents of those posts leave the service and this lien should not be extended to all the Indian Medical Service officers in India who were in service on those dates.

" Lastly, the Junior Specialists must go without further ado. When I looked into the matter a little carefully, my interest was roused for the reason that here is a state of things in which none of our best men in the Provincial Medical Service, men like Dr. Guruswami Mudaliyar or the late Dr. Rangachari could hold the highest position in the medical profession of this land. I do not think that during the last fifteen years there has been an Indian Medical Service officer equal in capacity to either of them. I feel that if this object could be achieved, we could concede that we as a sovereign body controlling the Executive of the Provinces, have some semblance of control over the Executive and, through them, over the services. Our self-respect demands that the latest efforts of the Secretary of State to put the Civil Branch of the Indian Medical Service in an entrenched position must be resolutely and vehemently protested against. With these words I commend my resolution to the acceptance of the House."

V. S. T. SHAIK MANSOOR THARAGANAR SAHIB BAHADUR:—" I second the resolution."

SRI P. S. SRINIVASA AYYAR:—" Madam, while rising to support the resolution so ably moved by my hon. Friend Mr. T. T. Krishnamachariar, I would like to say a few words.

" The post of Surgeon-General in this Province has for the past few years been occupied by officers of the Indian Medical Service, who were brought from outside this Province, and they have been supposed to be doing their work very satisfactorily. People from other Provinces who are utter strangers to men and affairs in this Province and who have not been specially noted for

their merit in the profession have been drafted to this Province, merely on account of their seniority in the Indian Medical Service. I remember there was a time when the post of Surgeon-General became vacant on account of the retirement of the then incumbent and the seniormost Indian Medical Service officer in this Province unfortunately happened to an Indian and then it was that this practice of bringing one from outside began and it has been perpetuated since then. When any member of the Indian Medical Service who is old in service is considered good enough to occupy the post of the Surgeon-General, and neither merit nor past experience is a necessary factor, I fail to see why the seniormost Provincial Medical man, or, for the matter of that, any senior medical man cannot occupy the post of Surgeon-General and carry on the administration of the department with advantage both to the department and the Government. It will be advantageous to the department since a Provincial Medical man and that, a senior, would have come into contact with all the medical men and problems in this Province; and it will be advantageous to the Government in that there will be a lot of saving in the matter of pay and allowances and this saving could be very well utilized for the opening of more dispensaries, which are being asked for from every quarter. I would even suggest that the post may be abolished and a new post created by the name of 'the Chief Medical Officer to the Ministry of Public Health,' who shall be an experienced Indian medical man of eminence. It may be argued that the post has been all along occupied by an Indian Medical Service officer and that it should for ever be occupied by the Indian Medical Service men; but under the reorganization scheme of 1928 as well as under the recent rules prescribed by the Secretary of State for India, the post of the Surgeon-General is not one reserved for the Indian Medical Service and it should not be filled any longer by an Indian Medical Service officer; I would request the Minister in charge of Public Health to appoint an Indian Provincial Medical man of eminence to this post, when the present Surgeon-General retires or goes on leave.

"With regard to the Indian Medical Service, I would like to
1. say a few words. The Indian Medical Service was originally a purely military service, the officers being appointed in medical charge of the Indian Army. Slowly, they were transferred to the civil side and such transfers were justified on the plea that they wanted a War Reserve and when there was no war, these officers were given civil employment. No doubt, it may look quite reasonable to have a War Reserve so that it may be available during times of war. How many of them in service to-day were appointed as War Reserve? Surely, a handful of officers are not going to manage the medical side of a great army in times of war. According to the Government of India Resolution No. 205, dated 25th March 1937, out of a total strength of 584 Indian Medical Service

officers, 147 are to serve as War Reserve. The number of officers on the military side of the Indian Medical Service is 364 and the War Reserve is 40 per cent of the actual number of Indian Medical Service officers on the military side. If this War Reserve of 147 is analysed, it is found that out of 166 British officers on the civil side, 97, that is, 58·4 per cent only are regarded as War Reserve; while 50 out of 54 Indian officers on the civil side, that is 92·6 per cent will function as War Reserve. Further, British members of the Indian Medical Service undergo only one year's military training; while Indian officers of the Indian Medical Service have to put in five years' military training. During the Great War of 1914, numerous Indian medical men were given temporary commissions and put in charge of medical units, and I am sure they were all found quite fit and their work was very much appreciated. Further, if a War Reserve is wanted, there are plenty of Provincial Medical Service men who are joining, and are prepared to join, the Army in India Reserve of officers and they could very well be drafted in times of war.

" One more reason adduced for perpetuating the Indian Medical Service has been that there is necessity to provide for medical relief to British officers and their families by medical officers of their own race. In these days, when brilliant Indians with high English qualifications can be had in almost every town in this Province, and British officers and their families are actually getting their treatment from them, nay, when Indian medical men go to England, qualify and equip themselves quite as well as the best British medical men and start their practice in England and are also found flourishing gloriously with honour to themselves and to their native land, I should think it is too late in the day to adduce such silly reasons for the continuance of the Indian Medical Service on the civil side. To add to this, the British officers of the Indian Medical Service are posted as civil surgeons in big towns with salubrious climate and lucrative practice, while their Indian brethren with the same qualifications are denied such privileges. It can be very well seen that these posts have been created solely to provide a happy hunting ground for persons of the British race and this cannot be tolerated hereafter when the Provinces are supposed to have been granted Provincial Autonomy.

" Then, coming to the posts of Senior and Junior Specialists in the Medical Colleges of this Province, about which Mr. T. T. Krishnamachariar has said enough, I would like to know why some of them should be reserved for the British element in the Indian Medical Service exclusively. Is it with the idea that any and every British officer in the Indian Medical Service is superior to the most experienced Indian medical man, or is it due to the dearth of Indians with high academic and foreign qualifications

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or the lack of specialists in India in the various subjects? I can confidently say that none of these reasons will hold good, but it is again the idea of providing fat jobs for British youths.

"Another factor has to be taken note of, and that is the recent increase in the number of Indian Medical Service officers of British origin sanctioned by the Secretary of State for India, immediately before the inauguration of Provincial Autonomy. When the Lee Commission recommended the provision of medical aid to British officers and their families by doctors of their own race, it was also laid down that the number of British medical officers in each Province should go down in proportion to the reduction in the number of British officers in the civil services. What do we actually see? We see that the number of British officers in the Indian Civil Service, in the Police, the Educational and the Engineering Services, is going down; but the number of British Indian Medical Service officers is made to go up.

"The remedy for all these, I would suggest, will be the abolition of the civil side of the Indian Medical Service; what little justification there had been to retain it here till now, has vanished into thin air, especially when this Province could boast of highly qualified, eminent Indian medical men who could stand shoulder to shoulder with the best British officers in every aspect of the profession. The Provincial Government might say that the abolition is not in their hands, but I would suggest that the Government should make use of every means at their disposal to have the civil side of the Indian Medical Service abolished as early as they can, and to send away immediately to the military side those of them who have been transferred to the civil side after 1935. The Indian Medical Service should hereafter be a purely military service with absolutely no racial discrimination and the competition for recruitment to the Service should be held in India."

THE DEPUTY SPEAKER:—"The Hon. Dr. Rajan will reply."

* MR. D. M. REID:—"Madam, do I understand that the debate be closed now and that there will be no more speeches after the Hon. Minister's reply?"

THE DEPUTY SPEAKER:—"Since nobody stood up to speak, I called upon the Minister to reply. If you want you may speak."

* MR. D. M. REID:—"Thank you, Madam.

"I find myself, as the House will understand, in a position not in any way enviable. I stand here as a member of a race which has been, shall I say, vilified to-day—I hope that was not the intention of the speaker. I stand here as one of a race whose

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members constitute a large part of the Indian Medical Service and who have certainly been attacked to-day. That Service, I hope the House will agree, has a record of unblemished service and first-class devotion to duty. Its standard has remained very high; it has been selected both from Europeans and Indians and from the very best doctors that were available, and that Service has continued untarnished in its devotion to duty, in the successful results of its administration, in its loyalty to its superiors and to the Hon. the Minister for Public Health since the altered Government came into force. Therefore, Madam, it is indeed with a feeling of sadness that I heard the attacks of my friend Mr. T. T. Krishnamachariar to-day in his long and carefully prepared speech—almost a book, I might say—on this particular subject. Why indeed it was necessary to go to such a very great length and trouble to attack this comparatively small band of devoted officers, I do not know. But, it was done. This resolution has been on the notice paper for some days and we knew it was coming and that this attack would be pushed home with great force backed by the tremendous strength of this multitude against a devoted set of men who are only trying to do their duty, and, I have no doubt, who will continue to do their duty undismayed, even though the heavens may fall upon them. There is no doubt about that and I hope my Hon. Friend, the Minister for Public Health, and the Hon. the Prime Minister know it. No doubt they themselves feel the discomfort of their position. Of course it is not pleasing for anybody to serve his fellowmen when he feels there is jealousy and rancour all around him. Is it not so? I hope it is not this that prompted the mover of this motion, but from the speeches I almost feel that it was. But I do not know why it was necessary to do this when the whole country is in a very regular and rapid state of development and when everything will change in due course. Indeed, I feel sad that there should be this abuse poured on the heads of that fine Service.

"Now, Madam, with regard to war, I suppose few of us can visualize what will happen in case of war. I say that the figures of the I.M.S. War Reserve are perfectly ridiculous; they are entirely out of keeping with the requirements of the present day. If we have to go to war and realize that it is necessary for this great country of India with 350 million people to teach the world that democracy must be respected, that laws of decency must be respected; if it comes to that, I think India will stand up and say to the world that we will have no more of this murder, or this wrecking of races, this contempt for religion and contempt for everything that is good. Then I say, if that day is coming, we shall want one million men from South India and 3,000 medical officers all trained to go to the Army. I do not know if that day will come; I do not know if that will be so; but I do know that we shall be able to get one million fine

soldiers from out of South India and three thousand very fine medical officers to go with them outside India. Why then go and pour this abuse on these few very fine men serving in this Service? What is the use of my talking after all? I know this resolution will be passed, I suppose, almost unanimously, because the attack is made on a certain race, which I venture to say, has certain high ideals of service; and I know the Hon. the Prime Minister believes in the ideals of service which animate, I hope, many others. I believe there is no real object in the world that is worth while, other than service to one's fellowmen. I am not talking nonsense, if I may use the word, but I am talking real sense when I say that this devoted band of men—I know many of them—have really behind them that idea of service.

"Madam, as you know, it was not my intention to speak now but for the fact that the debate was about to close and we should have had no opportunity to say anything. I would therefore ask the indulgence of the House to forgive me, Madam, if anything I have said has been untoward or has been disrespectful. It has not been my intention to be so, but I ask you to believe that this is just an endeavour to ask the House, if it passes this resolution, not to do it in a spirit of rancour, but to acknowledge the great service which the Indian Medical Service has done for India."

* SRI G. KRISHNA RAO:—" Madam, I would like to add a few words with regard to the resolution. It was not my intention to join in this debate because I have not studied the subject. I think, as far as this side is concerned, there has been no anger or jealousy imported in this debate, so far as I have been able to see, because my hon. Friend, Mr. T. T. Krishnamachariar, wanted to show to this House the fundamental necessity for the Provincial Ministry to have control over the Services. When this constitution was envisaged, Indian politicians were of the opinion that not giving control over the officers who are serving the Ministers in the autonomous provinces was a sort of anomaly which ought not to exist under Provincial Autonomy. I am sure that in this matter I am voicing first-class constitutional opinion and I do not think anybody who controls the Services in the Provinces will be able to have control over these people who are entirely out of their power with regard to their pay, pension, transfer discipline, and what not. I think that it is just and proper that we should bring to the notice of the House the absolute impossibility of a Minister for Public Health functioning under a system of Provincial Autonomy having to work under unspeakable difficulties in the matter of dealing with such Services. Nobody ever denies the great debt of gratitude which we on this side of the House and elsewhere owe to the high traditions set up by the Indian Medical Service officers, the ideas of liberty and freedom implanted by them in our country. They

have also shown their high sense of duty in the most difficult and discouraging circumstances and most of all under a tropical sky which is very unfavourable to them. Things have progressed and we are now functioning under a system of Provincial Autonomy. We have got every reason to feel that there should be no racial discrimination; there should always be the ideal of respecting merit and efficiency. I remember very well how when the late Dr. Rangachari, one of our eminent surgeons whose memory we still revere, was practising—this is what an important officer of the State told me—the officers of the Indian Medical Service waited in deputation on the Governor to inform him that he was a thorn on their side and was taking a large slice of what would otherwise have been their practice and so he ought to be transferred. The Government did not countenance the idea and he remained here and his popularity grew all the same. This is past history and I am stating it with a full knowledge of what I am saying. I assure my hon. Friend, Mr. Reid, that we are not ungrateful people; I request him not to think that we do not appreciate the high sense of duty of this devoted band of officers. We do appreciate it and the resolution that we are discussing on the floor of the House does not in any way detract from the high regard we have for them. We hold in grateful remembrance the Englishman with whom we have been friends and with whom we have spent many happy years. We have to remember that what is wanted is that, under a system of Provincial Autonomy the Government ought to have all the responsibility and dignity and the capacity to deal with all questions affecting officers under their control in all its aspects. There is no meaning in saying that the Secretary of State will be the deciding authority in the matter of transfer, posting and all other things that concern the Services. That is a position which is inconsistent with Provincial Autonomy.

"A few days ago, hon. Members will remember, I put a question to the Hon., the Minister for Public Health asking whether the Indian Medical Service men would be precluded from the right of private practice and placed just on a level with the Provincial Service men. The Hon. the Minister said that they were not precluded from private practice. One can understand the Provincial Government being debarred from making any rules affecting the pay, pension and leave and such other things of the Indian Medical Service officers; but I cannot understand how the rule which applies to the local men should not be applied to the Indian Medical Service officers also in this matter. How will this position affect our men, not merely men in the Service? There are many highly qualified young men who have to carry on in the country; for whom every opportunity to

gain experience in medical institutions has been provided by the introduction of the system of honorary medical service; and naturally the Indian Medical Service officers will take away the practice of these men and our whole purpose will be thwarted. I tell all these to show that we have not been animated by any sense of rancour and that there has been no feeling of ingratitude. What we aim at is the ideal that under an autonomous Government, the Service must be, if not entirely, at least as far as possible, under the control of our Ministers; that I think is a justifiable idea. I support the motion before the House."

* MR. G. H. HODGSON:—" Madam, we are very grateful to Mr. Krishna Rao for the remarks he has just made on this resolution. But in discussing this resolution, we should keep before us all the time the fact that for better or for worse, we are working under the Government of India Act, an Act which has given us much that we had not before and which promises us still more when we can all agree to take it. But I am not going to defend or attack the provisions of the Government of India Act. As a business man who has to carry on his business under various Acts, Provincial and Central, I have always tried to cultivate the habit of looking dispassionately at the problems which arise under those Acts, without attributing any ulterior or unworthy motive to the Executive. So, unless it can be shown that the Secretary of State in his recent order has exceeded his power under the Government of India Act, it would not be proper for this House to support this resolution. The resolution says that certain orders are contrary to the spirit of Provincial Autonomy. I wish to submit that the only Provincial Autonomy we have is that which is laid down in the Government of India Act; it is not yet a complete autonomy and it is difficult to see how the Provinces can ever have complete autonomy under any form of united India. Certain things are reserved under the Act. I submit that stating, as the resolution does, that the rights reserved to the Secretary of State in regard to the members of the Indian Medical Service are 'entirely contradictory to the essential principles of autonomy which the Provinces are supposed to enjoy,' is not in accordance with the realities of the situation; for what we and the Ministers are supposed to enjoy is an autonomy in which these very rights are reserved to the Secretary of State. A good deal has been said about the reserve of I.M.S. officers for war purposes. I feel that this being primarily a question of military service, the posting of I.M.S. officers is a matter of all-India importance in which the Provinces should, in my opinion, give their fullest co-operation, even if, in the process, some self-denial is necessary. I, therefore, oppose the motion."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Madam, I was not at all inclined to take part in this debate

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for I wanted to leave the official Opposition and the Government to settle the affairs as between themselves at least on this question; but I felt that I might say a word."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" Are we to recognize this phrase 'the official Opposition' or is it merely a joke uttered in good humour?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:— " I meant it as a joke. I meant it in a very good spirit and I assure you, Madam, that there is no motive behind my statement. There is no malice behind it. The Hon. Minister will find in good time which is the real opposition; it is difficult for him to fix once for all now which is the opposition. Let me come to the resolution under discussion.

" Let me first of all say that the resolution, I mean the drafting of it, could have been put in another way but that is not for the consideration of the House now and I am not anxious to propose any amendment to it. It has been pointed out that we have to function under the Government of India Act under which certain powers have been reserved to the Secretary of State for India. It is not in that aspect that I am going to view the question. We are concerned with the aspirations of the Indians and we are concerned with the aspirations of Indian medical men. The question is, whether with the available talent, we can manage our hospitals and attend to our medical needs. The question of improving the position of the Provincial Medical men has engaged the serious attention of former Ministers in charge of Public Health and I cannot on this occasion fail to make mention of that revered name, the Raja of Panagal, who did so much for the Provincial Service men. But for the great work that he did for them, I do not believe that the position of the Provincial officers would be what it is at present. I am not mentioning this with the object of trumpeting the achievement of the Justice party in improving the lot of the Provincial men. I wish only to point out how people in the past have worked for them and what aspirations they have on the basis of their ability, efficiency and qualifications.

" I would like to assure my hon. Friend, Mr. Reid, that we are not unmindful of the great work that this noble band of officers of the Indian Medical Service has done for this country; they have done well and they continue to do well; their sense of duty is of a very high order and deserves the admiration of all people in our Province; they have done much service, yeoman service, not only during times of war but also during times of peace; they have applied themselves whole-heartedly to their civil duties. We have had many eminent physicians and surgeons in our Province but I do not on this occasion like to give out their names; I

would even go to the extent of saying that but for them and their high traditions which have set the pace for our men, we would not be in the fortunate position to-day of saying that we want our own men appointed by our own Ministers to look after the medical needs of our Province. Let me assure my hon. Friends that there is no question of racial discrimination at all; nor is there any rancour against any of them. This is not a question of attacking the European officers as such; we are not concerned with dislodging certain persons—a handful of them at the best —from their position even if we have the power to do so; we are only concerned with the future. We want to make it plain that the exercise of powers which would stand in the way of the reasonable aspirations of our officers and the policy of the Government which has been followed for a long time past are not viewed with favour by us. What is promised to us under the Government of India Act is an interminable set of rules in this regard; it is not as if the power lapses as soon as the first set of rules on the 1st April 1937 had been issued; it is not as if he makes the rules and there is an end of it. He may make rules once again in 1939, 1940, 1941 and so on. That is why I said, Madam, that the future ought to interest us more than the past. As a matter of fact, if it were clearly mentioned in the resolution that we are more concerned about the future than about those that are in enjoyment of certain privileges now, then perhaps the Europeans would have no reason to say that there is anything of racial discrimination or racial inequality about it. That is how I would like the resolution to be drafted. I say that those in the enjoyment of particular posts as a result of the rules made hitherto should not be disturbed, even though it might be that there is justification for doing so on grounds of finding berths for local elements. Sir, I am sure even the most enthu-
.m. siastic person who wants that Provincial Service men should be encouraged will not say that the present incumbents should be disbanded. What they say is, that when vacancies occur in future the Provincial Medical Service men should be absorbed in them and that no new men should be appointed.

"In this connexion I wish to draw the attention of the House to one important feature of the remark which came from Mr. Krishnamachariar. He divided the group into two or three categories. In the first list are the Junior Specialists who were in service prior to April 1937. Now under the guise that they are Junior Specialists their number has been increased by four, even though we thought that such a thing would not take place. I can understand making provision for the security of those who were in service in May 1928, and I can extend my sympathy even to those persons in service in April 1939, but I cannot

give my sympathy to those who came in after April 1939, that is, these four new posts. During my time of office, I in my own humble way protested against such sort of action on the part of the Secretary of State. The argument in favour of these four new posts of Junior Specialists is probably this: unless you have Junior Specialists you will not be able to fill up the Senior Specialists' posts. It is a frivolous argument because there are several Indian Junior Specialists who can ably fill these posts.

(At this stage Mr. Speaker resumed the Chair.)

When I say this, I say so as an emphatic protest against the inclusion of these four Junior Specialists' posts. I shall be glad if the Provincial Government succeed in making the Secretary of State cancel these posts.

"As for those who have been in service in April 1937, whether they are in the first, second or third list, in so far as they remain in office, they ought to be protected. I do not think even the enthusiastic Provincial Medical Service men will have any grievance on that score. Their main grievance will be only when it is declared that their chances would come only after these four new Junior Specialists. I am fully conscious that the services of these Junior Specialists can be done quite efficiently by our own Provincial Medical Service men; for our own men are capable enough to fill any post, even the post of the Superintendent, General Hospital, the Principal, Medical College, and the Surgeon-General. When I say this, I should not be thought as though I am casting any reflection on those who now occupy those places.

"After these remarks, Mr. Speaker, I wish to support Mr. T. T. Krishnamachariar particularly with regard to one portion of his speech, namely, his suggestion that the Junior Specialists are unnecessary, that they are supernumeraries, that they should be removed and to that extent at least the list should be curtailed. I hope this discussion will have a good effect in this way, that it will make the Secretary of State realize that this House wants that in future he should not go on further repeating this joke, if I may say so, as that is what his action amounts to, in spite of our repeated protests, but should find people for such posts from the Provincial Service men. In doing so, he will make the position of the I.M.S. officers in the Service secure. I will be only too glad if the Secretary of State stopped sending any further European I.M.S. officers at least in the interests of such existing men."

Mr. SPEAKER:—"So, the hon. Member agrees only with a part of the resolution?"

Kumararaja MUTHIAH CHETTIYAR of Chettinad:—"My remarks are mainly confined to one part."

MR. SPEAKER:—"That is Part I?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"But my remarks should be taken as referring to the resolution as a whole. Sir, before you came, I explained my position in the matter. My view is that this resolution should have the effect of bringing home to the Secretary of State that he should take note of the hopes and aspirations of the Indians in the Provincial Medical Service and that he should be made to feel that the feeling of the general public is that no more European I.M.S. officers should be sent from England and that the present increase in the cadre of Junior Specialists by four should be cancelled."

* THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, I congratulate Mr. Krishnamachariar on his able performance. (Mr. Abdul Hameed Khan: 'Hear, hear.') If the present state of Provincial Autonomy is to be continued for any length of time, I dare say Mr. Krishnamachariar has qualified himself for a place in the future Ministry and also for the post of Minister of Public Health." (Opposition benches: 'Hear, hear.') (Laughter and cheers from Opposition benches.)

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"He has no objection to change seats even now." (Laughter)

* THE HON. DR. T. S. S. RAJAN:—"Those of you who have listened to the debate would have understood the intricacies, the difficulties and also the almost certain impossibility of assessing the various factors which he has marshalled in the presentation which he made on this question. It has been my personal knowledge that the intricacies of the question of the Indian Medical Service in this Province have baffled the intelligence of those who know something of the department, although they are there all the while. Even the permanent Services are sometimes baffled in disposing of the claims made on the part of the Services, particularly of the I.M.S. men. Therefore I congratulate Mr. Krishnamachariar on the clarity of his presentation and also on the able way in which he has tried to understand the situation.

"It is rather unfortunate that in handling this subject reference has to be made to racial considerations. And in making the statements that he made, I very much doubt whether he had in his mind any aspersions on the work and the services which the men of the Indian Medical Service have rendered in the past or are rendering to-day. Mr. Reid almost made a challenge to the Minister for Public Health to give out his opinion. I am not stating anything which is not a fact when I say that the I.M.S. is certainly rendering very good service to-day in our Province. I am not unaware of the services which

the Service as a whole has rendered not only in this Province but in this country. For it has been their fortunate position in the public life of this country that they should be the pioneers in a system of medical education which has been alien to this country, and having the strength and the power in their hands, it was given to them to enunciate and formulate a system of medical education, and to give to it the best that they were capable of.

" The complaint to-day is not that they did not render proper service; it is not that they did not do justice to the trust that is placed in them; but it is the denial of opportunities to others, which, though they did not intend, is the net result of the activities of their service. It is to that particular problem that the Indian public has to refer and the consequent irritation caused by the denial of opportunities to others. Therefore, while fully appreciating the services they have rendered to the profession and to the science of Medicine both in the past and in the present, I still maintain that in the very nature of that task they have placed themselves as an impediment to the aspirations of the people of this land. It is therefore the unconscious intrusion of their profession that is the cause of all this discontent. It is regrettable, I admit. And in expressing it nobody means any ill-will, nobody means anything more than a mere statement of fact.

" I have as Minister of Public Health under me an administrative head who is not entirely responsible to me. He has to divide his allegiance between me, the Director-General of Indian Medical Service and the Secretary of State. Therefore, though people think that in Provincial Autonomy ' Public Health ' is a Transferred Department like Civil Medicine, apart from the military nature of it, in practice, to say the least, the control is divided. And therefore to the extent that control is divided it has not contributed to the full understanding and responsibilities of Provincial Autonomy.

" It is rather difficult to understand how a Military Service can be dumped into a Civil Service and why the Civil Service should be burdened with this extraneous department. Military Service, I understood Mr. Hodgson to say, is an All-India Service, and every Province has to contribute to it, and therefore we should not grudge our share in it. This Provincial Government will not at any time fail to render their due contribution to the Defence Department of the Government of India. But, whether it should be by this device is the question. For, take the same question in England; there, the claims of the Defence Department are not put forward on the Civil Service. Then, why should it be so different in this country? Why should the claims of the Defence Department be made a charge on the Civil Services

of the Provinces? That is the point I would like the House to understand. In the several discussions with the Secretary of State and in the course of the Round Table Conference, whenever they went into this question, they have not hidden the real facts behind it. For they clearly say that this Indian Medical Service is necessary, that this Military Service is necessary and that this Civil portion of it is necessary on three grounds. The first ground is that it is a defence measure and that these men are a military
5 reserve. I am very glad that Mr. Reid said a thing which was
1. in his mind with regard to the reserve capacity of the Indian Medical Service men as constituted to-day. It is ridiculous to say that these few men are a reserve for coping in times of war with the needs of the whole Indian Army. It is absolutely wrong to say that they have special work to do. The mere fact that these men are made available as reserve is a ridiculous statement for anybody to say that they are for War Reserve purposes. Therefore, the idea of a War Reserve has got something more than the few posts which constitute it. This admission has clearly been made that to make the Indian Medical Service attractive in India, the Civil Branch is incorporated in it. That is really a clear statement made by people who are recruiting men from England. They say: 'You want more men for the Indian Medical Service. That Service is not very attractive; if you put civil practice also along with that Indian Medical Service, then it is very attractive and therefore men come as Civil Servants.' The idea that it is a military reserve is a plausible argument but it is not accurate to say so. This is an argument which I can easily dispose of.

"The second argument is this: that these people are kept here to minister to the wants of the British civilians in this Province. First of all, I entirely repudiate the claim of anybody in India, and for the matter of that, of any race in this country, to be treated by men of their own race at the expense of the tax-payers of this country. I have no objection if a number of European practitioners of high qualification come and settle here to give medical attention to their countrymen. But if the Indian tax-payer is asked to pay a number of these men who are put in advantageous positions, and it is claimed that these men are intended for the service of those people who are in service, I think it is a very poor contention. What is the real position? The Civil Service men who are entitled to be attended by European medical officers are 135 in number in this Province, of whom more than half are stationed in Madras. Therefore we find that there are barely 60 men outside the Madras City who require European medical attendance and for this 37 I.M.S. officers are employed and maintained with the tax-payers' money.

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This is a position to which this Government can never subscribe, but over which we have no control. What is more, we have been more considerate to the European population that comes here, for we have subsidized a number of European practitioners in the districts and taken them on our list, which every European Civil Servant can avail himself of. Therefore, they are not only provided with a number of Indian Medical Service men in service, but we have been supporting a large number of European practitioners, missionaries and others with sufficient qualifications at the expense of our Government, to attend on European Civil Servants here and outside. It is not as if we are not for protecting these people who are under us; on the contrary we have gone far out of the way not only with regard to the employment of I.M.S. men, but in engaging men outside the Service also to attend on them. And what is more, we have also enabled every European officer in any station, wherever he may be, to choose his own doctor, travel at the expense of the Government to the doctor where he is available, the doctor of his choice, and go back at the expense of the Government. Well, I ask you, are you getting such privileges in any country? Are we at all partial? Are we at all ungrateful to the services which the European Service men render to this country? In fact it is the other way about. We are almost bordering on a lavishness of generosity which cannot be justifiable under the present circumstances. That is the position.

"Coming to the third point, take the question of cost. Reference has been made to the honorary system introduced in the Province. What does this honorary system mean? Free service in hospitals; men who have got very high qualifications comparable to the best that we can get from any other part of the world, are employed. We have to-day a set of honorary doctors engaged in the premier hospitals of this Province, men who have had enough training, enough sincerity, enough service instinct and enough sympathy to come to the aid of the poor men of this country. They are serving in the poor hospitals maintained by the State and they think that by this practice, by the reputation which they will get in the State hospitals they will gain reputation in public life and people will flock to them and pay them for their services outside the hospitals. Therefore this hospital practice is almost very attractive in the public life of this country to-day and it would be easily possible to fill all these posts with people of our own Province who are available for no payment whatsoever.

"Therefore, on all these grounds this Government approached the Secretary of State, not this month or last month, but a few months after our assumption of office. We have categorically

enumerated all the facts that have been discussed to-day in the Assembly and which we were able to gather from the records at our disposal; we have submitted the case to the Secretary of State pleading for a certain amount of elasticity, a certain *amount of freedom of action with regard to the* Services which are placed under our control; for whatever may be the limitations of our constitution, it must be admitted that the Executive responsibility is finally thrown on the Provincial Government. If Provincial Autonomy succeeds or fails, it shall be to the extent that its Executive has got the power to discharge its responsibility; but if a certain cadre of men are not responsible to the Ministry but are responsible to three other authorities outside this Ministry, I should ask you, 'How are the Provincial Government to exercise or discharge their responsibility?' It is on this ground that we represented these facts to the Secretary of State more than 20 months ago; and that is the action we have so far taken. In all these representations that we made we have not claimed any unfair advantage in any position we have taken; we have not said that we shall not protect the officers that we now employ in this Province; but what we said was that once this list of officers is exhausted, the future recruitment must be kept down to the barest minimum which the Secretary of State wants, which we shall maintain, but with the power to place them at stations which this Government decide according to the exigencies of service and, in the interests of the administration. This Government pleaded that we should have power to put these men in particular places in the interests of service and in the interests of administration, that we must have authority to place *x*, *y* or *z* in certain places. If everything is taken, if nothing is given and if all the orders are passed from Delhi or from London in the interests of a Service which is supposed to be under my control, Provincial Autonomy is very nearly reduced to a farce. And here is a Ministry asked to be responsible for the whole of the country! It is this anomaly that we wanted to expose in our correspondence with the Secretary of State for India.

"We have also dealt with the question of the Surgeon-General and his appointment. One of the members here said that at least the next appointment of the Surgeon-General must be given to a man of this Province. No doubt the Surgeon-General's appointment is protected and there is a series of protection that is now provided for the Indian Medical Service and it will rack even the best brains to open this castle of protection; it is not a protection for one year, but from year to year, place to place, till the man entirely leaves our Province. This is the kind of protection we are asked to deal with. We have said that we

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would agree to this protection also. But what happens? The men in the 1928 protected list must be exhausted all over India, i.e., 504 men who were recruited before 1928. That list must be exhausted by this recruitment of Surgeons-General. When the list of Surgeons-General of 1928 is thoroughly exhausted, then this Government in consultation with the Governor of this Province can make their own appointments. That is the mischief.

" But with regard to the suggestion made by my hon. Friend the Kumararaja, this question of Junior Specialists has been taken up by the Government. We have taken action on that. We have protested against this special cadre in the Indian Medical Service and in response to our representation, I may tell the House, the number was not reduced, but the designation ' Junior Specialists ' was wiped away. Where there were only four Specialists, we have now got seven Specialists. Therefore the inferiority of the Junior Specialist was removed by taking out the word ' Junior '; but all these people have now become ' Specialists.' ' That is a thing with which neither the employer nor the employed have anything to do. I may tell you that a Specialist means nothing except that a special man has been posted for the special place and the speciality of it lies only in this respect and nothing else. Therefore you should not run away with the idea that the men are specialists in any particular field of science or have special knowledge in a particular department. That is where exactly the anomaly comes in. The anomaly is this. He is not a specialist in any way except that he is specially appointed to a specially provided place by the Government of India or by the Secretary of State. In course of time, these Specialists by the experience they get from the position they occupy, do become very good men and of course they honour the places they occupy. But to call them Specialists from the time they are sent out from England with very inferior qualifications, is a thing which I, as a medical man, am not able to understand.

" Therefore, the whole position in this resolution is this, that this Provincial Government have already taken action on the anomalous conditions which prevail in Provincial Autonomy on account of the Government of India Act of 1935. It is not as if we want to alter the Government of India Act. We knew the position when we took up office, but in the interests of working Provincial Autonomy to its logical conclusion in a fairly equitable manner, it has become necessary for us to make representations even without a suggestion from this House. But I am glad that with the support of this Legislature the claim which we have made in this case has certainly gathered strength and momentum.

" Coming to the present position of the Indian Medical Service in this Province, I only want to make a clear, correct statement

as it stands to-day. We have willy-nilly nineteen British Indian Medical Service officers in the service as the minimum. Therefore, according to the Government of India Act, 1935, the obligation on this Provincial Government to take nineteen British Indian Medical Service officers is accepted. Then, after these nineteen, we have what are called seven 'unspecified' posts. The nature of it connotes the ridiculousness of it. Just imagine a post unspecified, a post in the air or in the mid-ocean; nobody knows the special nature of the post for which the people are posted! It is put down as seven unspecified posts and then there are temporarily reserved posts of which there is the temporary reservation for 1928 men and the temporary reservation for 1937 men. On the whole, we are having in this Province 42 Indian Medical Service officers. But I have not explained the present position. Of these posts the seven unspecified posts need not be filled up by getting officers for the purpose. Therefore to that extent this Government have got the right to say to the Secretary of State, 'We don't want all these seven unspecified posts.' And, it is on account of our refusal to call for fresh hands that it has been made possible for some more appointments to be held by Provincial Service men as the Presidency Fourth Surgeon, the Surgeon, First District, and all these. We said, 'We don't want them,' and it is open to us to say so. As soon as the tenure of these men ended we said, 'We don't want them.' In this way seven places can be reduced from this 42. The net result will be that we will have 35 officers. Out of these 35 officers there are ten *plus* six, that is, sixteen officers who are temporary, temporary in the sense that we will have to keep them till their period of service is over—probably for two decades from to-day; whatever may be the future history of this country or the future constitution of this country, for two decades at any rate we cannot touch them; they will have to stay; they must gradually die out. Therefore at the end of two decades we will be left with 26 Indian Medical Service officers. Out of these 26, as I said in the beginning, nineteen are to be British and seven are to be Indian. Therefore our full cadre twenty years hence will be 26 Indian Medical Service officers of whom nineteen shall be British and seven shall be Indian.

"With regard to the statutory obligation of keeping Indian Medical Service men as Army Reserve, we submitted a proposal to the Secretary of State, stating that this Reserve is no Reserve and that it cannot be used efficiently in times of emergency and we also pointed out to the Secretary of State the condition in which they found this Indian Medical Service in the last War, for it has been recorded that in the early stages of the Great War it failed so miserably that it has found mention in the Despatches. It is a fact and therefore if anybody comes and says, 'This is a Military

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Reserve,' I will at once say, 'No.' It has failed in history. As a matter of fact it cannot stand to reason that thirteen men would be the Reserve for a huge army which may be required for war purposes. Therefore we pointed out this fallacy to the Secretary of State and told him that we are prepared to give a full complement of trained doctors, for the Army; that we are prepared to put at their disposal men for training now and year after year, so that there can be the full maximum quota required for Army service provided for by our Provincial men. But, unfortunately that has not been accepted. Therefore in this our alternative proposal we failed.

"We made also another suggestion to the Secretary of State that we shall guarantee to provide men of the same race to all our Civil Service officers. We also undertook that: we said that we shall make such regulations and such postings as would be necessary to provide all European officers in the service with medical attention from European Indian Medical Service men, and we also said that having proved our *bona fides* in providing mission doctors, European doctors, and paying for them and also enabling the European officers to travel at our expense to any station they wanted, to any doctor they liked, and making all these provisions, 'We undertake to provide European medical officers for these men, provided the Secretary of State would give us power to choose the men;' and we promised to keep the best men. So, it is not as if we did not make every endeavour in our power, with all the justice that this question would demand of us. Our reason was this: 'You take away nineteen places as reserve. You should have no objection to allow me to keep these nineteen wherever I want. But you won't allow me to do that. You say that some must be here, some must be there, some must teach this subject, some must teach other subjects, some must attend to so many patients and so on.' That is not Provincial Autonomy. It is the administration of a Medical Superintendent's job which has been put into a sort of statute and I am here asked to carry it out. There exactly is the difficulty of the situation. A minister for Public Health administering a Province cannot say, 'This man is not good for the place; this man cannot be put there.' The Indian Medical Service man says, 'I am an Indian Medical Service officer. Who is the Minister to tell me?' This is a tantalizing position for any Provincial Minister of Public Health to be in, and I am sure I deserve the sympathy of those who understand the situation. It is not as if we may make an endeavour. In working this it is not so much the goodness or the badness of individuals or persons that matters, but the system which we are asked to work in the name of Provincial Autonomy. Therefore it is that in making this claim we have in a way forestalled the

resolution of this Assembly and we submitted our proposals to the Secretary of State. Lest persons in the country and in the Legislature should say that this Ministry has not taken proper measures or has not used all the powers available to it under the statute in correcting this wrong position, I want to say that this Government have done everything possible, everything constitutional and have used every method at their disposal for correcting this wrong. If this discussion has had no other effect except to visualize to our constituents the nature of this Provincial Autonomy and the minute restrictions under which even individual servants are placed at the disposal of the Government, they would sympathize with us rather than condemn us on public platforms and in the Press. Of all services, it is this Indian Medical Service alone that has gained this special protection and this special privilege. There are services, the Imperial Services, Services of the Secretary of State, in the hands of others. But they do not come under the same categroy of restrictions and the same category of impossible conditions. It is a thing peculiar to the Medical department which, whatever may be the reason, I should ascribe to a strong agitation in England by the General Medical Council in regard to the abolition of the Civil Branch of the Indian Medical Service.

" We also made it clear that ' this Government thoroughly examined the need for continuing the Civil Branch of the Indian Medical Service with reference to the statutory obligation. We are still of the opinion that suitable arrangements could be made to fulfil the above obligation and maintain that on the whole the reasons for the abolition of the Civil Branch of the Indian Medical Service far outweigh the advantage of its continuance.' The final decision rests with the Secretary of State and he has got to make arrangements to discharge the responsibility placed on him under this Act.

" It was made clear, Sir, in the year 1931 that no new entrant to the Indian Medical Service could establish any claim in the Civil Service establishment. We have been able to ascertain from the Director-General, Indian Medical Service, that this warning which was conveyed to them in 1931 was later on abrogated, since it was decided to re-open the Civil Branch of the Indian Medical Service when framing the Government of India Act, 1935.

" This Government, therefore, Sir, are entirely in agreement with the resolution now before this House and I undertake on behalf of the Government to convey this resolution to the Secretary of State. In accepting this resolution, Sir, I give this assurance to my European friends, that we have no ill-will and that if they had only followed the difficult position in which I have been placed as Minister for Public Health, they would easily realize that while

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endeavouring to protect all the rights that are inherent under the conditions of service of those who come to serve, it has become necessary on our part to record this protest publicly and also convey this protest to the Secretary of State to enable him to give us such measure of real autonomy—not to kill or to drive out people—but to better administer the Province in the interests of the suffering humanity of this country."

* Sri T. T. KRISHNAMACHARIAR:—" Mr. Speaker, I am extremely thankful to the Hon. Minister, in the first place, in accepting the resolution, in the second for the appreciative words in which he construed my poor effort, and lastly for having come to my rescue in explaining to those on my side who took objection to the method and manner in which I presented my case. Sir, my case has been considerably strengthened by the explanation given to this House by the Hon. Minister for Public Health. It is true that he speaks from inside knowledge. It appears the Government have anticipated some, nay, quite a number of the suggestions that I have made to-day. I have no doubt that, backed by a Government who want to assert themselves, backed by a Government, who, having accepted the responsibility of office, want to get the best out of it while they are there, and also backed by a Minister whose knowledge of the department which he handles is unequalled, something will come out of all this. I am not without hope that the action of this Assembly in approving my resolution will result in change in this matter for the good. Possibly the Government may communicate to all other Provincial Governments the stand that this Assembly has taken on this question and a concerted action by all Provincial Governments will be made possible.

" Sir, one or two words about the opposition that was raised, and I have done. Mr. Reid made a very appealing speech. I can understand his views in the matter and can sympathize with him. As a matter of fact the Hon. Minister has explained everything. The charge made was that my speech was an attack on Britishers in general. It is very difficult for anybody who belongs to the subject race not to be politically minded. It is a position in which Mr. Reid can never put himself, having been always on the side of the ruling race. It is only the man who belongs to the subject race who can understand it. Here is some concession given to us. We think it is real democracy. We want to follow the parliamentary method right to the last detail. If we are desirous of that kind of *real* Provincial Autonomy, can we be 6-4 blamed for it? I charge Mr. Reid, Sir, with not being able to p.m. understand the Indian mentality. (Mr. D. M. Reid: ' At least I try, Sir.') It is very good of his that he does. There are very few people that do even that. Let me tell the House, Sir, that placed as I am—a man in business—and having been associated

with European business men for more than 20 years, I never for one moment could forget that I am an Indian. I may not be a Congressman. But the ideas of nationalism and patriotism have been instilled in me because I have had to associate with Europeans all the time and because of the sub-conscious feeling that I was a member of the subject race. If I am forgiven for being in an autobiographical mood, I will say that is my evolution as a nationalist; I owe it to the Europeans that I feel strongly that I belong to a subject race. But what is the basis behind my argument? If I relate the history how at every step attempts were made to thwart efforts not only by Indians themselves but even by non-Indians towards the liquidation of what is called the Civil Branch of the Indian Medical Service, I do not intend to pass strictures on anybody in particular. It is not a stricture if I say that many I.M.S. officers have not the requisite qualifications such as are possessed by the Provincial officers in service. It is a grim fact. If a question is put straight to the Minister, he will be able to answer definitely. Let Mr. Reid ask his friends of the Indian Medical Service how many of the members of that Service hold any degree beyond the minimum requirements of the General Medical Council. There is no stigma about it. Here the object of the resolution is undoubtedly political; we are forced to consider this matter mainly because of political considerations. When we cease to be political beings, we remain slaves for all time to come. (Mr. Reid: 'Why'?) Because we are still slaves when we are under the control of a foreign country. It is an issue which I do not propose to discuss with anybody who is non-Indian, because it is a matter of feeling. The more we feel keenly about it the better for us and the sooner we will become free. There was no insult meant. I did not mention any officer by name. All that we want is that the power to make rules, a power so omnibus in scope, which does not restrict the Secretary of State's rights with regard to time or the number of people sent, or posts or emoluments should go. That is just the omnibus motion. All that Mr. Reid and Mr. Hodgson have to do is to read sections 243 to 263 of the Government of India Act to know the position clearly. I am sorry a racial feeling was attributed to me. Perhaps mine was a trifling long speech, but a bit wearying to those who have no interest in it. My idea really was to make myself understood. I found considerable difficulty in understanding the problem myself and perhaps there was some difficulty in expressing myself clearly. I could not have expressed myself in any other manner than what I did. But I repudiate any suggestion that I imported any racial bias into it. The racial bias exists. In fact I did deplore that the present arrangement is likely to give room to increased racial conflict. I say it is the reservation of posts and stations for officers of a particular race that starts the racial

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conflict. If the hon. Members, Mr. Reid or Mr. Hodgson, want to avoid it they should join with us and they should support this resolution and say: 'Look here. We in this country are traders. We are going to remain here for a long time. We want to do so by the good-will of the people. We do not want safeguards. We do not want the Secretary of State to interfere in a matter which is the province of a Provincial Government. We do not want him to interfere in their domestic affairs. We do not want the Minister for Public Health to be handicapped by the divided allegiance of the head of his department.' If they feel that racial bias should not be imported, they should share the feelings of the sons of the soil and should not feel that they are foreigners in this country. I not only ask him to support the resolution, but support it whole-heartedly because it is the best way of wiping out racial bias. If they stand out to-day and the rest of the House votes with me, then will racial feelings be aroused. We are merely trying to assert that we want our freedom. We do not want the Secretary of State to interfere. What is said to us by the Secretary of State is clear.

"I do not see any particular point in the objection raised by Mr. Hodgson. Mr. Hodgson raises a technical point about the Government of India Act. The Government of India Act is there. But very little of it is satisfactory. If you are really to be bound to the Government of India Act, and if the special responsibilities of the Governor are going to be used times without number, there need have been no assurance and no need for the Congress to have asked for assurances. Nothing was necessary. The Governor could interfere every time and set aside the doings of the Ministers. Probably the Ministers will resign and section 93 will come in. We shall not have any Ministry functioning here. The safeguards are there. The safeguards are not intended to be abused, they are only intended for a transitory period. If what is understood to be the convention in the doings of Government in the matter of Civil Service, in the matter of the Police Service is understood in the case of the Indian Medical Service also, I am content. I leave it to the Ministers to handle the Governor and his special responsibilities. But what I object to is the fact that the Secretary of State has overriding jurisdiction over the Governor and his Council of Ministers. The mere fact that the Governor agrees to what the Ministry says is not enough. The Secretary of State is there. Sections 246 and 250 give him ample power. I really expect Mr. Hodgson will get himself well-informed before making criticism of that kind. I find the support accorded to my resolution has been universal. The Leader of the Opposition has supported it. I only fear Mr. Reid and Mr. Hodgson might elect to stay out as they do not seem to have changed their mind. It is a position which is

understandable and not unexpected. I request the House to support the motion since the Government have accepted it and everybody else has supported me."

The motion was put and carried.

III.—MESSAGE FROM THE COUNCIL.

Mr. SPEAKER:—" I have to announce to the House that I have received to-day a message from the Hon. the President, Madras Legislative Council, transmitting the Madras Temple Entry Authorization and Indemnity Bill, 1939 (L.A. Bill No. 17 of 1939) passed by the Assembly, which has been agreed to by the Council without any amendment on the 8th August 1939 and signed by him."

The House then adjourned *sine die.*

IV.—PAPER LAID ON THE TABLE OF THE HOUSE.

[a] *Statement showing the Resolutions passed by the House Committee during the third session of the First Legislative Assembly and the action taken thereon.*

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[a] Placed on the table on 7th August 1939.

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